An Introduction to *Community Planning*

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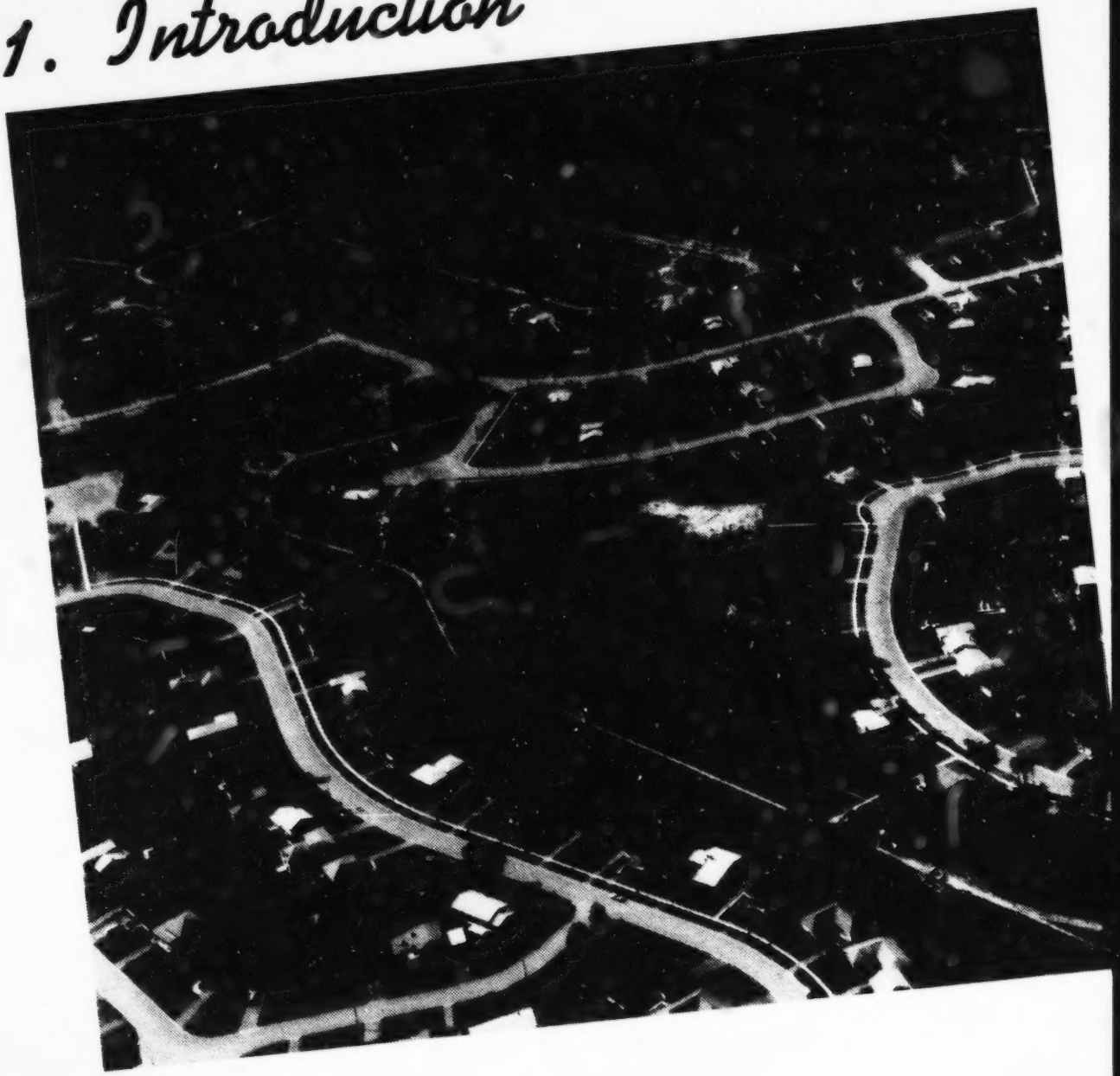
A Philosophy of Town Planning

"The old English common law fundamentally had the view that all land ultimately belongs to God, that no man can really own it completely but is at most a temporary tenant under God. The king held the land as a tenant of God and the rest of the people held land as sub-tenants. And this is still the theory of our real property law today . . . This legal philosophy can serve the planner . . . As to the land, we are all trustees, stewards of God . . ." –DAVID W. CRAIG (Attorney, Pittsburgh, USA): "What the planner doesn't know about zoning", in Planning *1960, ASPO, Chicago.*

1. Introduction



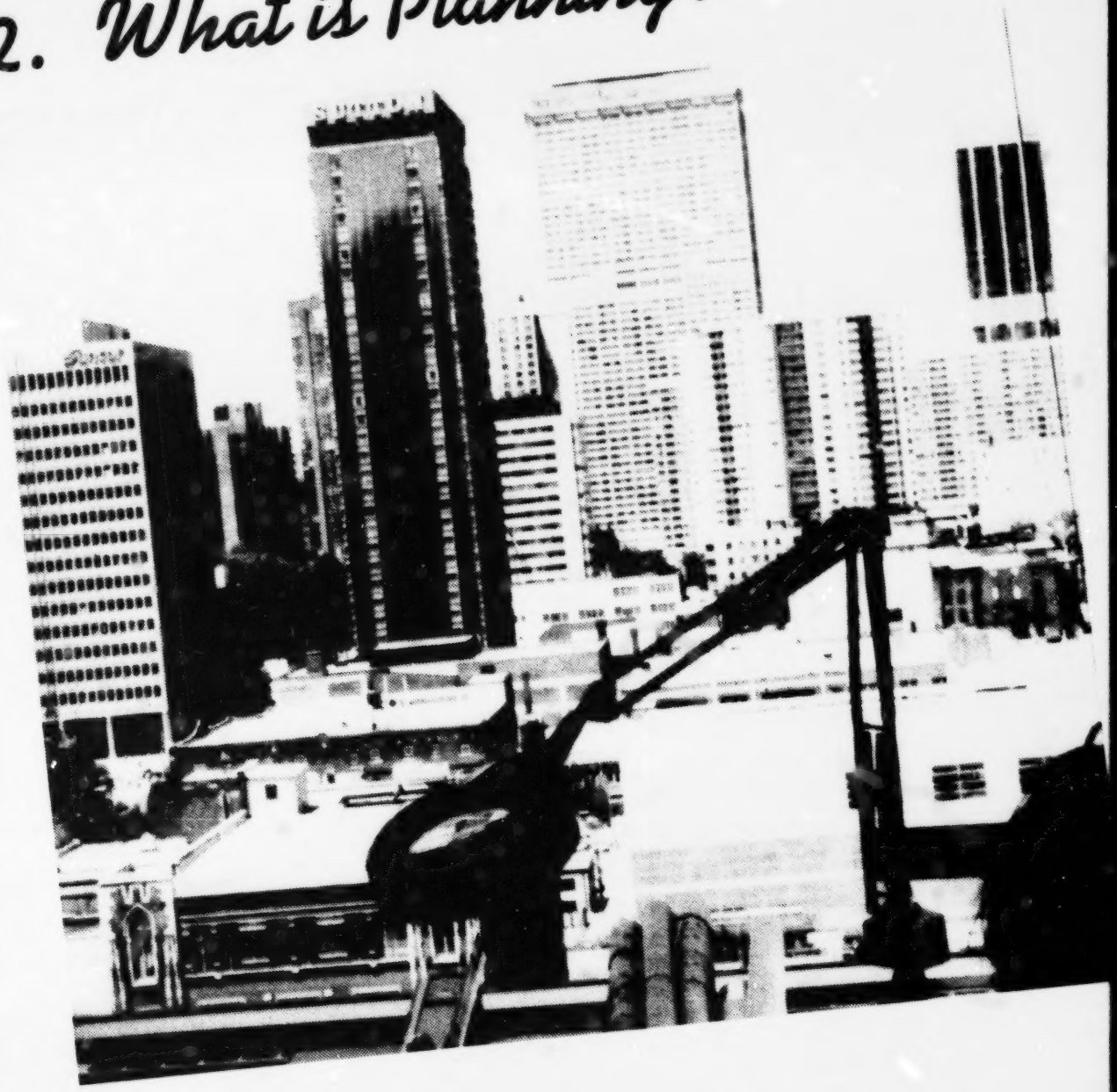
The planning of our environment is a broad topic, dealing with cities, towns, regions, the countryside, even the air and water that sustain our existence. This book is a very general introduction to the subject for students, interested citizens and new municipal councillors about to tackle their first planning problems.

Passing reference is made throughout the text to applicable legislation but this booklet is not intended to provide detailed information on how planning is organized under Ontario's **Planning Act**. For that information you should refer to "A Guide to the Planning Act, 1983" and "A Citizen's Guide to the Land Use Planning Process".

A bibliography is included at the end, in the hope that your appetite for further reading has been whetted.

Community planning has its full share of technical jargon. A glossary of some of the more common terms is included to help de-mystify the subject. You may find the glossary useful as a general reference.

2. What is Planning?



The word 'plan' refers to an orderly arrangement of parts or a method of carrying out an overall design. For the community planner, the meaning is limited to planning in some way associated with the use of land. However, the use of land should be interpreted broadly. Land in this context can include water on or under the land and the atmosphere above it. The use of land should be understood to include the services provided to land, such as water supply and roads.

As a prelude to planning, it is essential to have an understanding of the complex relationships and influences that affect the development of cities, towns and regions. Putting order in the use of land refers primarily to the physical environment but planning must be very much concerned with the kind of activity and the quality of life that can be sustained on, or is likely to be promoted by, the physical environment. We shape our environment and then it shapes us.

Most people would agree that planning for the future is a useful activity for individuals and organizations. With good reason, business corporations are very serious about defining their goals and making plans to achieve them, based on informed projections. Communities have a somewhat more difficult task. There is almost never total agreement on the priorities to be assigned to different problems and there will certainly be disagreement about their solutions.

Nevertheless, the co-ordination of the major development activities in a community is a useful, even an essential function. When decisions are made to build major roads, trunk sewers, hydro lines, schools, and other public facilities, they should be based on similar expectations about where population growth will occur and where employment opportunities will arise. Agreement on common goals is also important to ensure that existing resources are conserved and managed and are not spoiled or lost when development occurs.

One example of the unpleasant consequence of not planning is the necessity to acquire land by expropriation. If sufficient land were reserved in the right place for expressways, schools, hospitals, and other essential facilities, in anticipation of future needs, it would not be necessary to later uproot people from their homes to acquire land for these facilities. By way of contrast, a very visible example of the value of planning can be seen in the Bloor Viaduct over the Don Valley in Toronto. The designers anticipated the future need for a railway use of the structure and made provision for it. Many years later, this foresight saved a large amount of money when the subway line was constructed.

There is likely to be general agreement with the order needed to ensure that public services are co-ordinated. The extent to which property owners' freedom should be curtailed to achieve community objectives is another matter altogether. Therefore, the form that planning takes in a community is inevitably a reflection of the political climate.

Planning is not an activity restricted to public agencies. It is equally in private land-owners' interests to plan for the use of their holdings. Each land-owner plans to maximize his enjoyment and profit, within the framework set by government constraints on land use and by commitments from public agencies to provide certain services. For instance, if a town proposes to install water and sewer mains in a certain direction, owners of land near those services can start planning how they might take advantage of the changed situation.

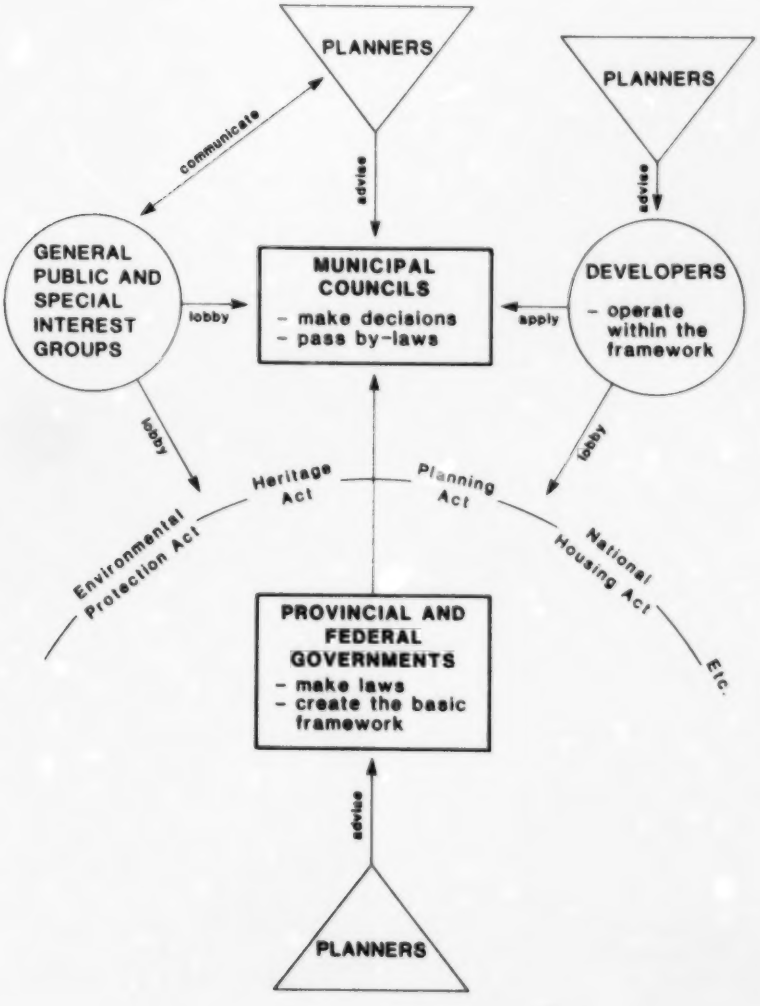
Public meetings provide residents with opportunities to express their views on planning issues.

Private land-owners vary from individual home-owners to development corporations owning thousands of hectares. Typical public land-owners are government agencies charged with a responsibility such as transportation, housing or waste disposal. In contrast with agencies wishing to use land are the agencies with an interest in regulating the use of land in the public interest: governments at all three levels and public interest groups who perceive a need to lobby to protect specific features of the environment.

In addition to the above agents in the shaping of our communities, "the public" is a group which must be given an opportunity to express itself on planning issues. Hence, "public participation" is an important element in the planning process. In fact, we should never lose sight of the fact that the whole purpose of planning is to serve people. An informed public is the best guarantee that the system works satisfactorily. Any planning decision is likely to affect a segment of the public. The legal framework is therefore designed to provide opportunities for people to be informed, to express opinions and to formally oppose planning decisions affecting them.

The central activity in the planning of a community is the making of a plan: a document which serves to co-ordinate certain activities deemed to be a public concern. (A discussion of these activities will follow.) Most of the people responsible for the various activities are likely to plan – formally or informally – for each activity. Community planning introduces the concept of a master plan which co-ordinates all the related activities. In Ontario, this master plan is called the official plan.

The Framework for Planning



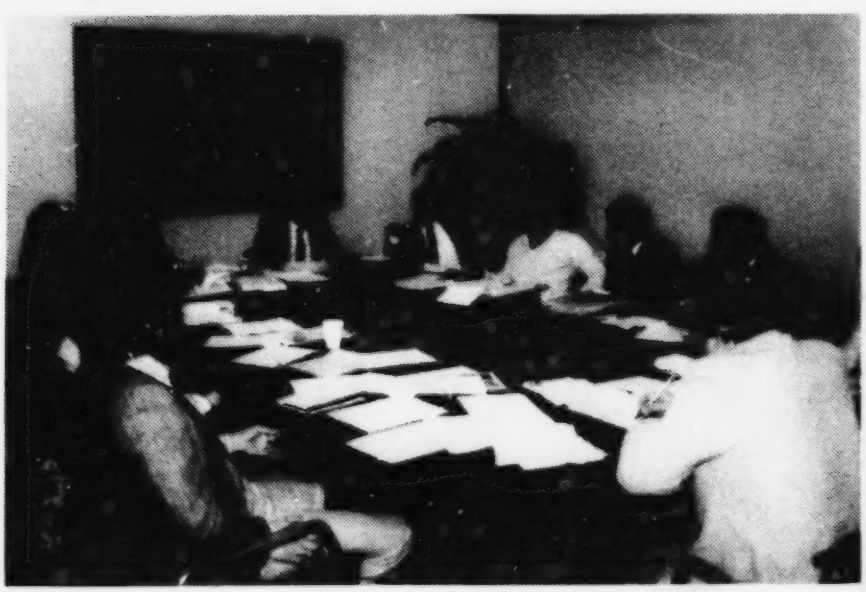
It would be a mistake to think of planning as making a definitive plan which will never be changed. It is possible to make informed projections but not to foresee everything or to predict every detail. Therefore, plans must be viewed as documents which evolve under the pressure of circumstances. This poses a dilemma.

Planning is supposed to offer all residents, property-owners, and decision-makers in a community the assurance that they may act in the expectation that everyone else must adhere to the plan. If the plan is found to be a flexible document rather than a firm commitment, its value is to some extent diminished. A totally flexible plan is useless. A totally inflexible plan is quite unrealistic.

Useful planning occurs between these extremes. A plan can serve as an instrument of co-ordination for a community if it is generally found to be stable and if changes are made to it as part of a process in which all interested parties are encouraged to participate. In this continuing process a great variety of factors are taken into consideration and compromises or trade-offs are made: jobs and the environment, transportation and tranquility, economic growth and pollution, housing and agricultural land, individual freedoms and community needs, short-term costs and long-term goals, etc.

Professional planners are people who assemble relevant information and put it together to help public or private decision-makers make choices in their best interests. It should be clearly understood that the professional planner is not the person who makes the decisions. The information needed for planning is varied and depends on expert knowledge from many fields. The planner's role is to obtain the relevant information and present it in a balanced manner. The decision-makers must make the value judgements implicit in choices based on such diverse considerations as economics, esthetics, convenience and concern for social well-being.

In the final analysis, the decision-makers are elected representatives. Land developers have a strong input because they submit proposals for the development of their properties but politicians have the power to accept or reject those proposals. The planning of a community is a political process in which the professional planner's role is to advise the participants and facilitate the process.



Decisions on planning matters are normally preceded by thorough discussion of the issues involved.

3. The Skills of the Planner

A planner must be able to draw upon a wide variety of skills. In the first place, she or he must have the particular ability to approach problems from the perspective of a planner. This assumes a knowledge of planning theory, an ability to see many facets of a problem, to grasp broad implications and anticipate the consequences of alternative responses. A basic planning methodology involves gathering information, drawing conclusions from that information, suggesting alternative methods of dealing with any problems brought to light and recommending a preferred solution.

In addition, the planner may be a specialist in another field and should have sufficient familiarity with other specialties to communicate with the experts and draw upon their expertise. If a planning office has several planners on staff, it will usually try to employ people from

different basic disciplines. The following are some of these associated skills, not necessarily in order of importance. (In fact, any attempt to rank these skills in order of importance would be an invitation to an argument!)

Land Surveying

One of the basic requirements in dealing with land is the ability to describe the boundaries of property. This is the function of the land surveyor. Most of the inhabited part of the province is divided into a rectangular grid of lots and concessions, separated by road allowances 66 feet wide (the length of a surveyor's chain, about 20 metres). Properties are located by reference to the numbered lots and concessions. When a large parcel of land is further divided into several building lots, the normal procedure is for a plan of subdivision to be drawn up by a surveyor. In earlier times, these plans were usually an extension of the grid pattern. Noweadays the surveyor usually lays out a plan designed by a planner or he may be a trained planner himself. The design reflects planning principles which almost never dictate a grid pattern.

Geography

Since planning is about land, geography is obviously one of its basic disciplines, because geography is the science that deals with the land, sea and air, and the distribution of plant and animal life including man and his industries. Before attempting to put order in the use of land, the planner must know what exists and understand the relationships between the existing uses of land. The core of the input into any planning analysis is likely to rely heavily on the skills of the geographer.

Civil Engineering

Sewerage, water supply and roads are the stock in trade of the civil engineer. These are the basic "hard" services essential to land development. In addition, engineering skills may be applied to deal with waste disposal, traffic, air pollution, noise and other problems.

Architecture and Landscape Architecture

The design professions have an obvious role in the creation of our built environment. In addition to concerns for efficiency, most people want their properties to look attractive. However, we don't necessarily agree about what looks attractive. The regulation of esthetics is one of the most difficult of planning problems. Even when there is a consensus about esthetic values, our concern for individual freedom of expression makes us very hesitant to impose these values on everyone. More on this problem later.

Economics

Wonderful-looking proposals which are not economically sound are the stuff of dreams. This does not mean that every development must be a money-making proposition. There may be other values which justify supporting an uneconomical project. For instance, schools and libraries are not expected to pay their own way from user fees. But one of the essential tasks of the planner is to present the true costs of a proposal to the decision-makers, so that they may make an informed decision. Such information could include the economic impact on the community of a proposed project. In dealing with proposed regulations or with conditions to be imposed on a developer, the analysis should indicate the likely effect of those regulations or conditions on the affected property-owners. The regulations have to be realistic in order to achieve the desired result.

Planning policies may even be designed with the express purpose of generating economic activity by creating conditions favourable to development.

The Law

Since planning is about organizing the use of land, it is inevitably tied to law, which is the instrument of order. The rights of competing interests in land are established in law. Any regulation by local government may only occur in accordance with laws in effect at the time. No matter what the merits of a case may be from every other angle, it is not likely to prevail unless legally sound.

Most planning matters come under provincial rather than federal jurisdiction. Municipal councils and other local bodies derive their authority from legislation enacted by the Province. The **Planning Act** is only one of dozens of pieces of provincial legislation of interest to planners. Some 95 different provincial and federal acts are listed in "A Planner's Reference to Legislation in Ontario".

Political Science

Planning is not just a matter of knowing what the "right" decision is to solve a problem. The required solutions must be capable of being implemented by an elected body or must be acceptable to an elected body. A familiarity with the political process is therefore essential to translate planning concepts into reality. Local government is the branch of political science most relevant to planning, because most planning decisions occur at the municipal level.

One of the difficulties faced by planners is to give advice to elected bodies combining professional objectivity with sufficient awareness of political circumstances that the report remains realistic. Otherwise, the planner's advice risks being dismissed as impractical idealism.

The majority of planners are employed by public agencies, such as governments at all three levels. They also work for governments indirectly, as consultants, and for public interest groups. Developers employ them not only for advice on what to do with their property, but to present their proposals to the public and to government agencies for approval. Because the planner deals with all the municipal departments and is called upon to co-ordinate responses from them, she or he must not only be able to interpret the technical information but must also have an understanding of the functions and responsibilities of these departments in the organization.

A successful planning program draws on the expertise of a number of fields.

Other Skills or Disciplines

Geology, demography, sociology, archaeology, cartography and computer science are all disciplines or skills which contribute significantly to community planning. In addition, communication skills play a very important role. Plans and proposals must be understood to be accepted and a planning team must be able to articulate its ideas verbally, in writing and with audio-visual aids.

Communication must be understood by the planner to be a two-way process. Before any plans are formulated and explained to the public, planners must be receptive to the true needs and desires of the public. Their planning skills must be employed to try and reflect those preferences and local circumstances rather than any preconceived theories.

With such a variety of skills to co-ordinate in complex projects, an additional final requirement is for an administrator. Not all these skills are essential for every planning operation, but a certain familiarity with all of them is part of the planner's general background.

Obviously, no planner can be an expert in all these fields. It is sufficient that she or he be aware of the need to consult the experts when necessary and be able to understand their contributions. The planner's particular skill is the ability to combine relevant information from a wide variety of sources, then look ahead and design policies suited to deal with future problems and opportunities. Typically, a planner's advice will take the form of presenting alternatives, pointing out the advantages and disadvantages of each one and recommending a preferred alternative.

4. Areas of Planning Activity

Certain activities very obviously need to be co-ordinated and have long been the subject of some form of planning. The division of land for settlement is undoubtedly the first such activity and planning for the provision of so-called "hard services" like roads and water supply and sewerage would follow soon after. Then, the need for land use control is usually perceived to be necessary, initially mainly to protect the prime residential areas and eventually for many other reasons.

Other areas of planning activity do not develop until problems become apparent and the public understands the need for some co-ordination and possibly control of these activities. For example, concern about pollution of the environment, the loss of agricultural land, of natural resources and of historically important buildings has grown and led to increased importance being attached to these matters.

A recent example is the concern for energy conservation. Until quite recently, any such concern would have been considered unnecessary, as energy resources were cheap and seemingly available in limitless amounts. It now seems likely that energy considerations will play an increasingly important role in future community planning. The importance of planning as a tool to generate economic activity is another facet that seemed relatively unimportant in the "boom" days but is given a much stronger emphasis in times of slower economic growth.

In the following pages we will look at the most common areas of activity currently considered relevant in community planning. The order in which the activities are discussed does not reflect their importance. That would be a very subjective judgement. Rather, the order follows loosely the historical sequence discussed above. Although land use planning is the co-ordinating activity, the core of community planning, to which all the other activities relate, its importance was not formally recognized in general legislation until after the Second World War, when the first **Planning Act** was enacted in Ontario.

Road Patterns and the Division of Land

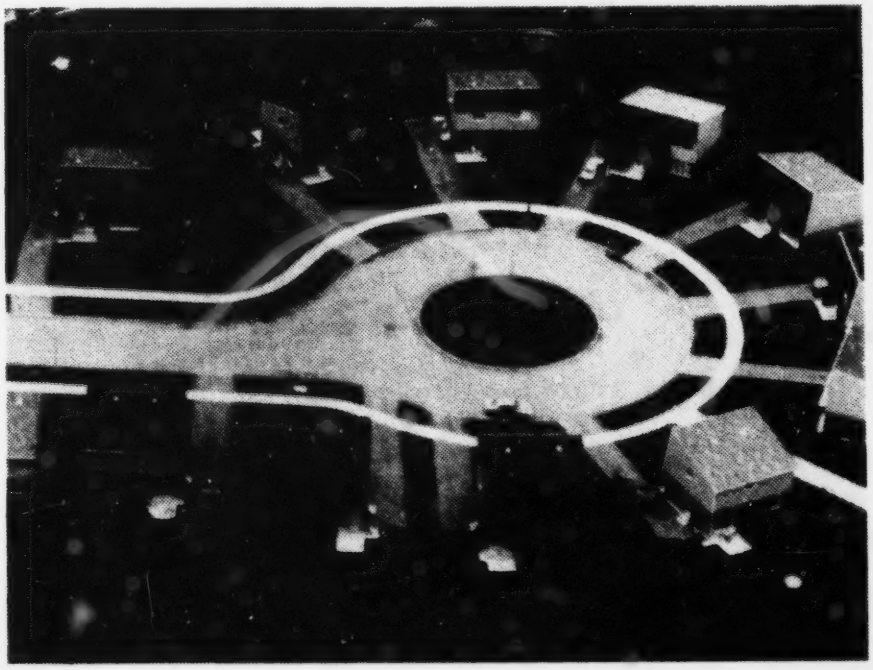
It doesn't take much imagination to visualize what would happen if each land-owner were allowed to subdivide without regard to the pattern on his neighbour's land. Roads might dead-end at the edge of one subdivision because the neighbour did not see fit to line up a street on his property. It would be impossible to place a park or a school or neighbourhood store in a location conveniently accessible from all sides because an unco-ordinated pattern would more often than not isolate adjoining areas from each other.

One quite common error is for all the land along a main road on the outskirts of a town to be developed with houses, in so-called ribbon development, leaving the land behind vacant. This is initially convenient for the land-owners because they can sell building lots without having to build a road. Eventually, when they want to develop the land behind, they may find that they have placed severe constraints on its development because the only available locations for road access do not permit a satisfactory road pattern.

There are almost always at least two sides to every planning issue. The hodge-podge resulting from the unco-ordinated development of land may have a unique character, which some people prefer to the predictable character of a totally planned community. However, this is only a valid argument against an excess of conformity through unimaginative planning. The practical advantages of at least some level of control are obvious.

A planning problem may also occur when the opposite of development occurs: when areas become depopulated because the original activity which drew people to the area has declined. This is quite common in areas dependent on natural resources such as mines. It may be necessary to close public roads no longer in use and to prohibit new development along them in order to avoid the expense of maintaining them.

The **Planning Act** provides for two ways of dividing land. To create one new parcel, an owner may seek a land severance. This is also known as a consent because it requires the consent of an approving authority, which may be a municipal council or a committee of adjustment, a land division committee, a planning board or the Minister of Municipal Affairs depending on the jurisdiction in the particular locality. (See "Delegation" in the glossary.)



The co-ordination of the division of land is a basic element of planning.

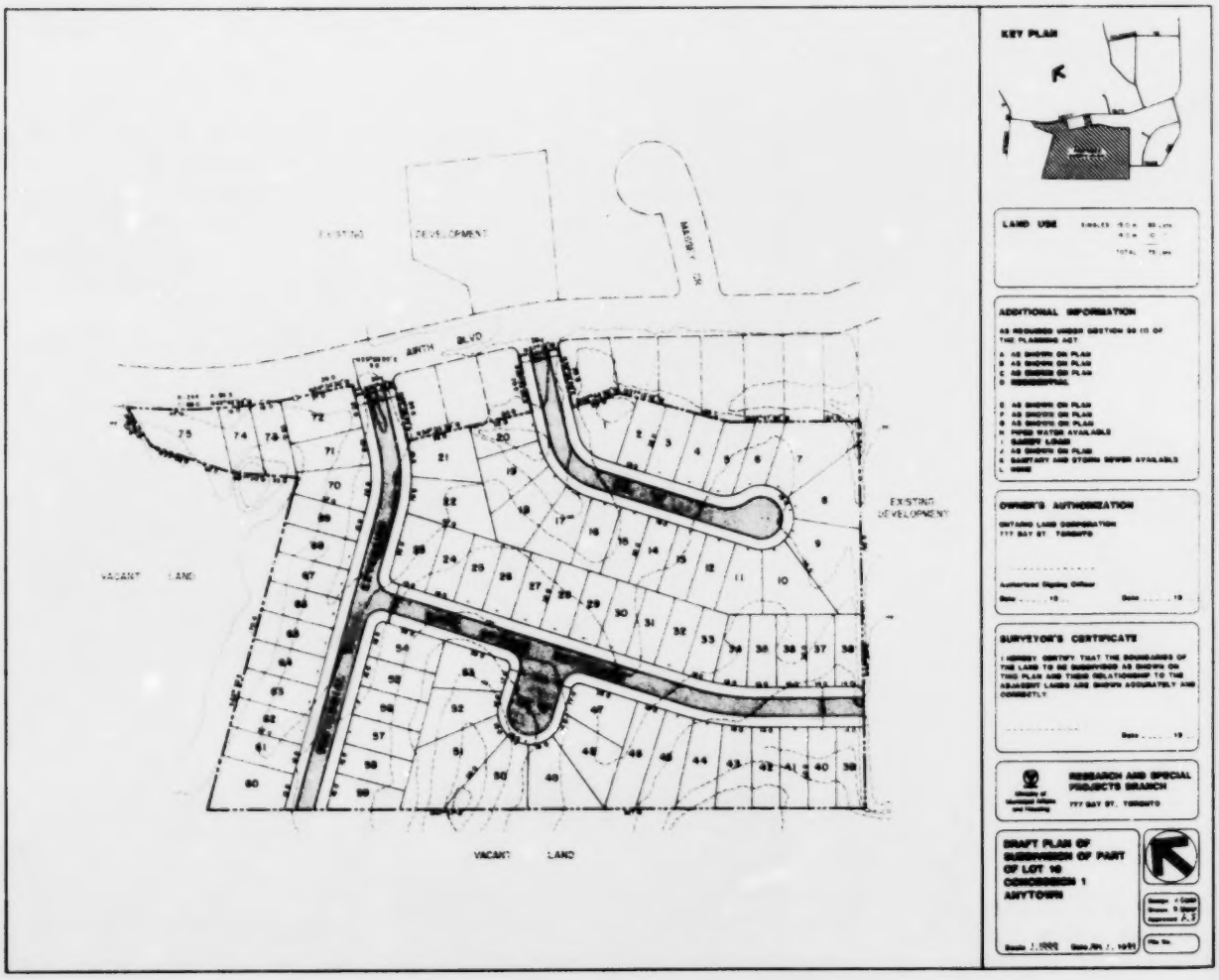
To create a number of lots, a plan of subdivision is required. The **Planning Act** requires such a plan to be submitted for approval to the Minister or, if the Minister has delegated his authority, to a regional council. Professional planners have an opportunity to make sure the subdivision conforms to planning policies before recommending approval. Most of the detailed checking occurs at the local level, (city, town, village or township) if staff resources are available at that level. At the provincial or regional level the requirements of provincial, county or regional departments are introduced. For instance, a widening may be required for a major road or a strip may be needed for a hydro transmission line.

A typical subdivision plan would be reviewed by a number of agencies, such as

- the Ministry of Natural Resources,
- the Ministry of Transportation and Communications,
- the Ministry of the Environment,
- the Ministry of Education,
- the Ministry of Agriculture and Food, etc.

All their comments would be considered and the planners would see if a solution can be found to satisfy their concerns. Failing that, a compromise would be sought. A report would be prepared recommending a solution and a political decision would eventually be made to approve or not approve the plan.

A typical Draft Plan of Subdivision

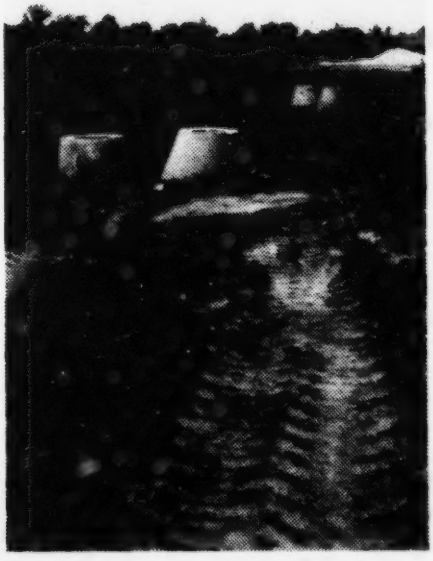


Water Supply and Sewerage

The abundant availability of piped water and the convenient disappearance of used water from our homes and businesses is such a normal part of our existence that we tend to take it for granted. In fact, much of the world's population doesn't have these services. Our current level of service reflects our relative affluence and some good planning.

Private wells and septic tanks suffice for a rural population but as we congregate in towns and cities, similar arrangements would very quickly pollute the groundwater from which the wells draw their supply. A system of piped water supply and sewerage, including treatment, is an expensive essential urban service. Careful investment in these facilities, based on an accurate projection of need, is an important element contributing to the prosperity of an urban community. On the other hand, recreational development – cottages – may be able to exist quite adequately on septic tanks and wells as long as the dwellings are not used continuously year-round and are on large lots. If the cottage area is close to an urban community and starts to change into a residential area for commuters, the primitive water supply and sewerage systems are likely to be inadequate and the cost of introducing a piped system to scattered dwellings can be very high.

In some areas, even communal water supply systems are not an adequate response to demand, if the source of water supply is limited. Careful watershed planning is particularly important in areas dependent on groundwater and small streams, to ensure that treated sewage and water supply are sufficiently separated. Large lakes provide a degree of dilution to deal with this problem but even the Great Lakes have now been shown to be susceptible to chemical pollution, and we may no longer assume that they have an almost unlimited capacity to absorb waste.



Urban development depends upon the availability of piped water supply and sewerage services.

The draining of rainwater and snowmelt off urban areas is called urban drainage. It occurs through pipes, overland flow routes and temporary storage areas. The system could be natural or man-made or could be a mixture of both. It is another aspect of watershed planning, a subject we shall return to when discussing environmental protection.

An example of a major water supply project in Ontario is the Lake Huron Water Supply System, built in 1966/67 at a cost of $20 million. It supplies the City of London and several smaller towns with water taken from Lake Huron at Grand Bend, almost 50 kilometres away. The design of the system allows for a doubling of its capacity to accommodate future demand.

In Ontario, matters related to water supply and sewerage are governed by the **Ontario Water Resources Act**, the **Environmental Assessment Act** and the **Environmental Protection Act**, all administered by the Ministry of the Environment.

Land Use

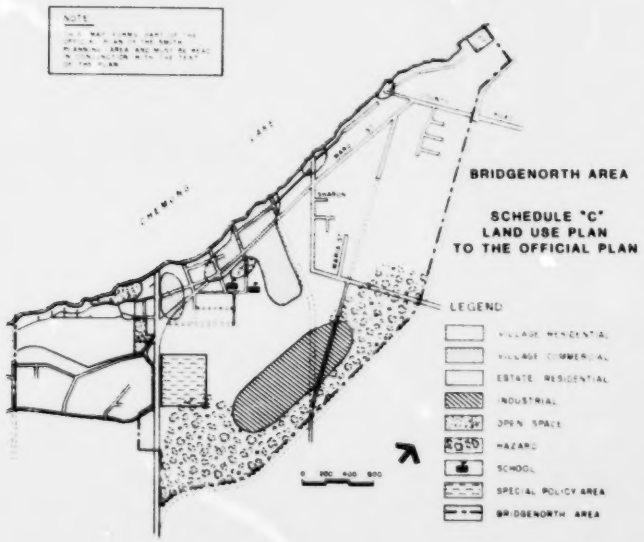
In simpler times people lived close to their work. The need to separate homes from commercial and industrial areas was not strongly felt because most occupations and trades were not offensive to the neighbours. Eventually, it became obvious that certain industries could be quite incompatible with residential areas and municipal councils were authorized to regulate and prohibit them. Ontario's **Municipal Act** has such a clause, which refers to a whole list of disagreeable activities such as blood boiling, extracting oil from fish and manufacturing fertilizer from dead animals. This was an early attempt to deal with land use conflicts and it is still part of our enabling legislation.

Well-to-do citizens have generally managed to ensure that non-residential uses would not be established in their neighbourhood. Before zoning was introduced into the legislation, restrictive covenants were used. These were agreements between property owners which would be introduced by the developer of the area to protect lot purchasers from undesirable development on the lots around them. No government agencies were involved, either in imposing the restrictions or enforcing them. To enforce the restrictions, individuals would take their neighbours to court.

Nowadays, the value of municipal zoning by-laws to control land use is generally accepted. In fact, a strong awareness of the negative effects of smoke, noise, traffic, etc. has led to the creation of some environments where the separation between uses is so complete that other disadvantages become apparent: downtown dies as soon as the working day is over, excessive reliance is made on the automobile, suburbia is an isolated bedroom community. Current planning is more likely to avoid an excessive separation of uses and, instead, to promote a judicious mixing of uses, for economic, social and energy reasons. Housing above shopping centres and mixed use of office and apartment complexes are now considered "good planning" provided problems are minimized through good design.

The land use plan is the most basic component of a community's official plan. In addition to a map showing the basic land uses, the text of the official plan elaborates on what is intended by each designation. On such a general plan, for instance a residential designation may allow neighbourhood stores, schools, parks and other compatible uses. Some official plans in large communities show only very general concepts and use secondary plans to show greater detail of planning for individual neighbourhoods. These secondary plans are usually introduced as amendments to the basic official plan.

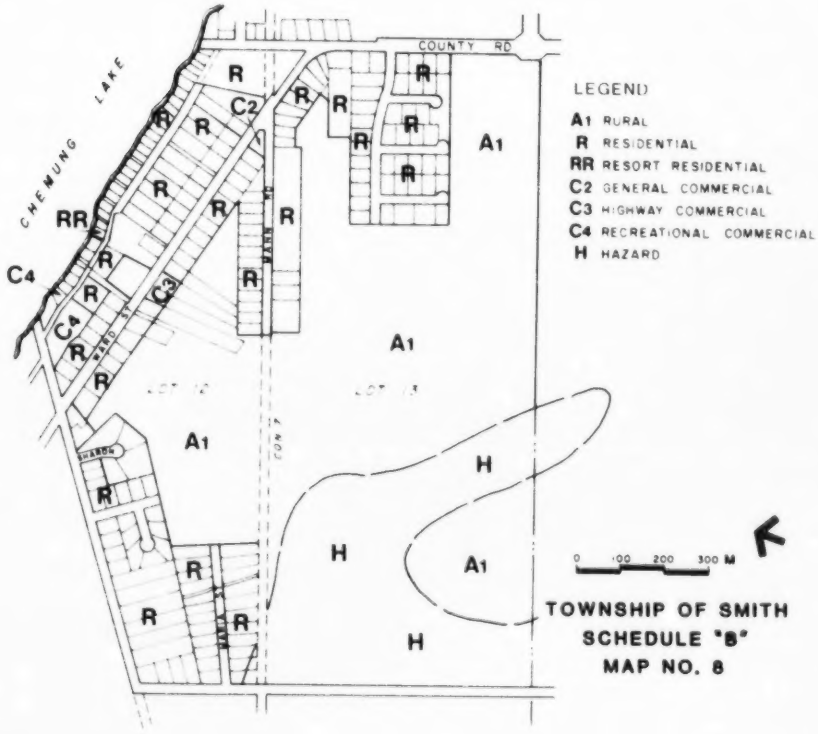
A typical Official Plan Map



In addition to land use, official plans deal with other basic planning issues, such as roads and transportation, servicing, community facilities and the other planning activities described in this book. Land use is usually seen as the central co-ordinating factor, to which other issues are all related. However, if a regional municipality or a county has an official plan, it may decide to forego a land use plan because such plans exist at the level of the local municipality. The regional plan may then concentrate on regional policies, without a land use map.

An official plan is an expression of the municipality's intent. It states the policy of the municipal council with regard to the planning of its territory and, when approved, it is binding on the municipality. It is important to understand that an official plan does not directly control the use of land by private property-owners. It nevertheless has considerable legal effect on development because no zoning by-law may be passed which conflicts with an official plan. A zoning by-law is the legal instrument which actually regulates what may be built on property. Typical zoning restrictions include a list of the uses permitted in each zone and restrictions on the location and bulk of the buildings on their lots.

A typical Zoning By-law Map



As stated earlier, community planning is a process; planning documents such as official plans and zoning by-laws must be reviewed and updated from time to time and the process involves legal procedures for amendments which are set out in the **Planning Act**.

To sum up, the control of land development in Ontario occurs basically as follows:

- the official plan shows the municipality's intentions;
- the zoning by-law controls the use of land;
- the division of land into lots is controlled by subdivision control;
- specific on-site details may be controlled under site-plan control (see page 22).

A typical Zoning By-law Text

SECTION 11: RESIDENTIAL R ZONE

No person shall within any Residertial R Zone, use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

11.1 Permitted Uses

(a) One single detached dwelling on one lot.

(b) Uses, buildings and structures accessory to the foregoing permitted use.

11.2 Regulations for Dwellings

	With Neither Municipal Water nor Sanitary Sewer	With Municipal Water but No Sanitary Sewer	With Both Municipal Water and Sanitary Sewer
(a) **Minimum Lot Frontage**	30 metres	23 metres	18 metres
(b) **Minimum Lot Area**	1850 square metres	700 square metres	510 square metres
(c) **Maximum Lot Coverage**	12 per cent	30 per cent	35 per cent

(d) **Minimum Front Yard** — 7.5 metres plus any applicable distance as specified in Schedule "C".

(e) **Minimum Side Yard** — 1.5 metres except as provided in paragraph (i):

(i) An attached garage or attached carport with no rooms above may be erected at a distance of not less than 1.2 metres from a side lot line which does not about a public street.

(f) **Minimum Rear Yard** — 10.5 metres except as provided in subsection 7.27.

(g) **Minimum Floor Area**

(i) 1 Storey	82 square metres
(ii) 1-1/2 Storey or Split Level	110 square metres
(iii) 2 of 2-1/2 Storey	130 square metres

Where no basement or cellar is provided the applicable minimum floor area shall be increased by 19 square metres.

(h) **Maximum Height** — 2-1/2 Storeys

To develop land, depending on the circumstances, approval may be required for:

- ☐ an amendment to the official plan;
- ☐ an amendment to the zoning by-law;
- ☐ a plan of subdivision or a consent;
- ☐ a site plan agreement.

As discussed in the section on the Role of the Public, the legislation provides procedures for public involvement and for appeals by an applicant or an opponent of a project when approvals are granted or refused.

Non-Conforming Uses

Under normal circumstances, land use restrictions such as zoning do not compel an existing use to close down. For example, prior to the introduction of zoning, an area may have grown up mostly with houses but with one automobile repair garage in the middle. When a zoning by-law is passed, the entire area may be zoned for residential use. This does not mean the garage has to shut down. As long as it continues to operate in the same manner as before, it may stay indefinitely. It retains a "legal non-conforming" status. It would obviously be unfair to make a legitimate existing use suddenly illegal overnight, without compensation. Where a situation demands the removal of such a use, it is likely to occur through expropriation, with compensation paid for the economic value of the property and the disturbance.

The **Planning Act** provides for the possible expansion of legal non-conforming uses. Application may be made to a local committee of adjustment to allow such an expansion or to allow a change from one non-conforming use to another, which fits in better with the surrounding neighbourhood. For example, it is unlikely that the automobile repair garage in our example would be allowed to expand. The neighbours would probably object strenuously. But if the owner wanted to convert the business to something different, he might find favour if the new use was thought to be less disruptive than the garage.

"Well, there goes the neighbourhood."

Site Planning, Esthetics and Urban Design

In addition to concerns about the way land is divided and the location of different land uses and their servicing, planning is concerned with the characteristics of the permitted uses on each lot. Primarily for practical reasons but possibly also for esthetic reasons, the siting of buildings on a lot, their height, bulk and shape and the percentage of the lot covered by buildings, by asphalt and by landscaping are all planning concerns.

Practical concerns can relatively easily be translated into standards such as minimum yard dimensions or maximum densities. (Density is typically expressed as a number of dwelling units per hectare or acre.) The owner of property can consult the zoning regulations and know beforehand what is permitted. It is much more difficult for a community to control development on the basis of how attractive it looks, because there are no totally objective criteria to determine what looks attractive. Even when there is a general consensus, there is a reluctance to impose restrictions reflecting esthetic taste. The problem is compounded if the esthetic purpose cannot be expressed in regulations allowing property owners to know beforehand precisely what is acceptable. In this realm, it is much easier to say "show me what you want to build and I'll tell you if it is an eyesore or not". Such an attitude may be difficult to reconcile with legal principles of fair play, but an argument can be made that the public has a legitimate interest in the visual environment. Planning and legislation to enforce it must reflect the current perception of the weight given to community interests and the rights of property owners.

One example of an issue with strong esthetic overtones is the proliferation of billboards. Spokesmen for the sign industry consider them a very positive contribution to our visual environment, not only because of their economic contribution but also because they are of themselves visually interesting and relieve boredom. Not everyone shares their enthusiasm. The State of Vermont, for example, has very stringent restrictions on signs and billboards because the beauty of the natural environment is a major asset contributing to the state's economy. Other jurisdictions are less concerned with this aspect and consider the billboards a valuable revenue-producing land use. In Ontario, advertising signs can be regulated by local councils under the **Municipal Act**. In addition, the provincial Ministry of Transportation and Communications has control over all signs within 400 metres of a provincial highway.

Contemporary real estate development is the product of many forces including municipal regulations governing building form and use.

Standard zoning provisions usually have some esthetic impact but if challenged in court they are likely to be justified on the basis that they provide access to sufficient light and air. For specific projects, control may be exercised through a site plan control by-law, which may deal not only with a number of practical matters such as the surfacing of parking areas, adequate facilities for garbage storage, floodlighting, fences and walkways, but also with the landscaping and the shape and bulk of the buildings. The line between practical and esthetic considerations is difficult to draw, but the courts have generally not been sympathetic to attempts to regulate purely on esthetic grounds.

The character of an area is determined, in part, by the visual impression that it creates.

Community Facilities

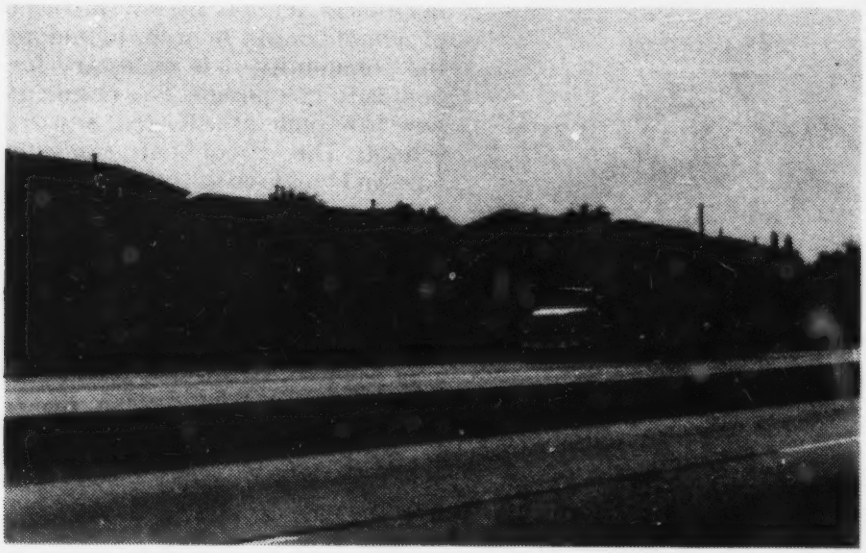
In addition to designating land for the major land uses in a community – industry, commerce and housing – planners must ensure that provision is made for the necessary support facilities. A place to live is not just a home with access to a job; it is an environment reflecting a way of life. People live in neighbourhoods which should provide convenient access to schools, parks and local stores. Several neighbourhoods may be able to support an arena, a library and other community buildings. Planners are involved in making sure an adequate amount of land is set aside in the right place to satisfy the eventual need. Trying to introduce such uses later into a developed community could be a very difficult and expensive task if the land has not been reserved.

In Ontario, schools are not the responsibility of municipal councils but of school boards. In order to integrate the schools into the planning of the community, it is necessary for the municipality and the school boards to co-operate. The municipality is best placed to know where new development will occur and to ensure that land is available for the schools. The school board can estimate its needs, acquire land for its sites and build the schools.

Supporting facilities, such as day care centres, are important components of modern residential neighbourhoods.

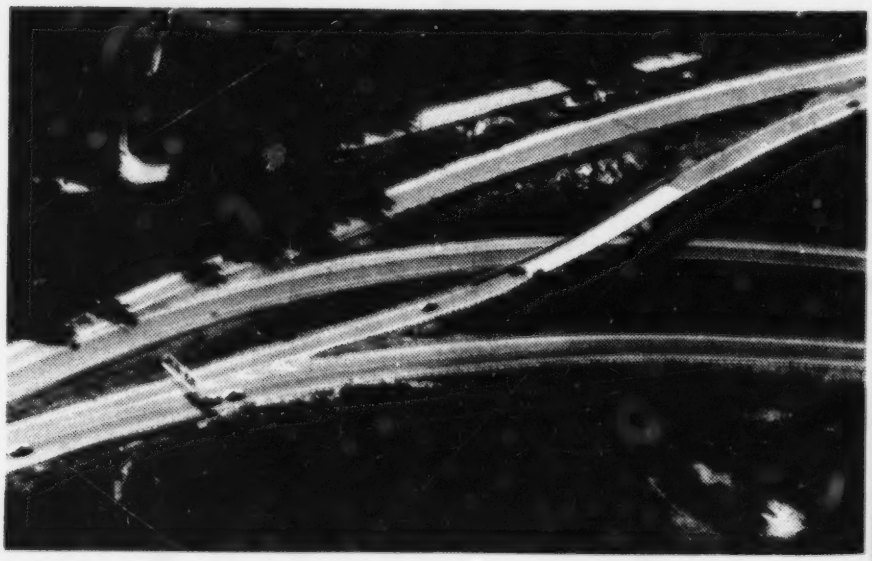
Transportation

Because community planning must consider broad implications, the planner views transportation planning more than merely providing the most efficient transportation network. Noise, fumes and even a certain element of danger are features of major transportation facilities which modern technology has not succeeded in eliminating. Consequently, planning balances the needs of the travelling public against the effects of the facilities on people living near them. Where new development is concerned, planning can attempt to avoid problems by adequately separating residential areas from major highways, railways and airports, but in developed areas the solution may be much more difficult.



Noise barriers along expressways are intended to reduce the effect of road noise on adjoining residential areas.

Highway planning in urban areas provides a good example of the complexity of planning issues and of the need to take a broad view in seeking solutions. The demand for highways seems to be insatiable. If cost were the only limitation, the problem would be relatively simple: we would decide how much we can afford and keep building and widening highways, trying to keep up with demand. In fact, where such a simplistic approach has been applied, very unpleasant consequences have been observed. Smog, the loss of human scale, the destruction of downtown, the underutilization of public transport and the flight of the middle classes from central city neighbourhoods are a few of the direct and



An example of modern highway design.

indirect consequences. Transportation planning now attempts to find an acceptable balance between private and public transportation. The result is always far from perfect, but any system should be judged only in relation to realistic alternatives.

Land use and transportation are closely linked. A shopping centre or a group of high-rise apartments generate much more traffic than a subdivision of single family homes. Conversely, the existence or absence of transportation facilities strongly influences the type of land use a landowner would wish to establish.

Most highways are a provincial concern and the provincial Ministry of Transportation and Communications reviews municipal official plans and plans of subdivision to ensure that they do not conflict with provincial objectives. However, rail and air transportation come mainly under federal jurisdiction. This creates some interesting jurisdictional problems on land near major transportation facilities. Land use controls are exercised by municipalities under authority delegated by the Province, but in the vicinity of an airport the Federal Department of Transport has the authority to restrict the height of buildings which might be hazardous to the planes.

By way of contrast, restrictions on land use based on noise patterns around an airport are deemed a municipal responsibility because the noise affects the residents, not the planes. The distinction is not really quite as clear-cut as stated above, because the political pressure from large numbers of irate home-owners can result in restrictions on the operation of an airport. In practice, the Department of Transport is very concerned to minimize potential conflict situations and it produces noise contours around airports to help municipalities plan to keep noise-sensitive uses away from the noisiest areas.

"I said . . . we were one of the lucky ones . . . not expropriated for airport expansion."

Financial Considerations

The costs of implementing planning proposals, and the ability of the community to bear those costs are very important elements of any planning scheme. Even in a general community plan, a policy on financial aspects of development is appropriate.

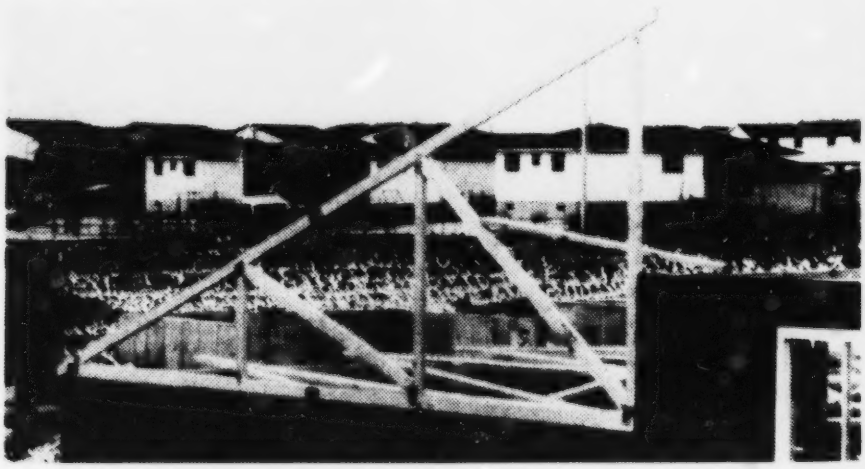
When development is proposed, its impact must be estimated in terms of the demand for services and the increased tax revenue it may bring. A municipal council has a responsibility to ensure that new development does not impose an excessive burden on the ratepayers of its community. It also has a responsibility to ensure that the right kind of development occurs to satisfy demand for housing, community services and the economic activity which provides employment.

Safeguards imposed for the financial protection of the community's taxpayers must be realistic in order to continue to attract the kind of development the community needs. Minimum standards for development imposed by a municipality also have cost consequences. Eventually, the cost of high standards is reflected in the cost of housing. In a period when the cost of housing is a priority concern, high standards are likely to be reviewed for possible reductions or modifications.

Just as planning without regard to financial consequences can correctly be criticized for being unrealistic, planning exclusively on the basis of immediate financial consequences is equally inadequate. The construction of most small housing units in a municipality is likely to be a financial liability, mainly because of the cost of educating large numbers of children from these units. However, the cost must be balanced against the need for these units, both as social policy and to provide the workforce for the industrial and commercial enterprises which are a financial asset to the municipality.

One of the reasons for the introduction of regional government in Ontario was the need to remove a barrier to planning for the best settlement patterns on a regional scale. So-called "assessment planning" would have neighbouring municipalities in fierce competition for the development offering the most advantageous balance of tax revenue to municipal costs. Under regional government the costs and benefits are distributed more equitably throughout the region and a more co-operative planning environment is promoted.

A subdivision agreement and a site plan agreement are among the tools available to a council to protect the municipality when development occurs. These are legal agreements with developers requiring them to provide basic facilities. If they were not required of the developer, the expense of providing these facilities would fall on the municipality. Under certain circumstances, prescribed in the legislation, additional cash levies or imposts may be imposed to pay for exceptional costs or to provide for the acquisition of parkland.



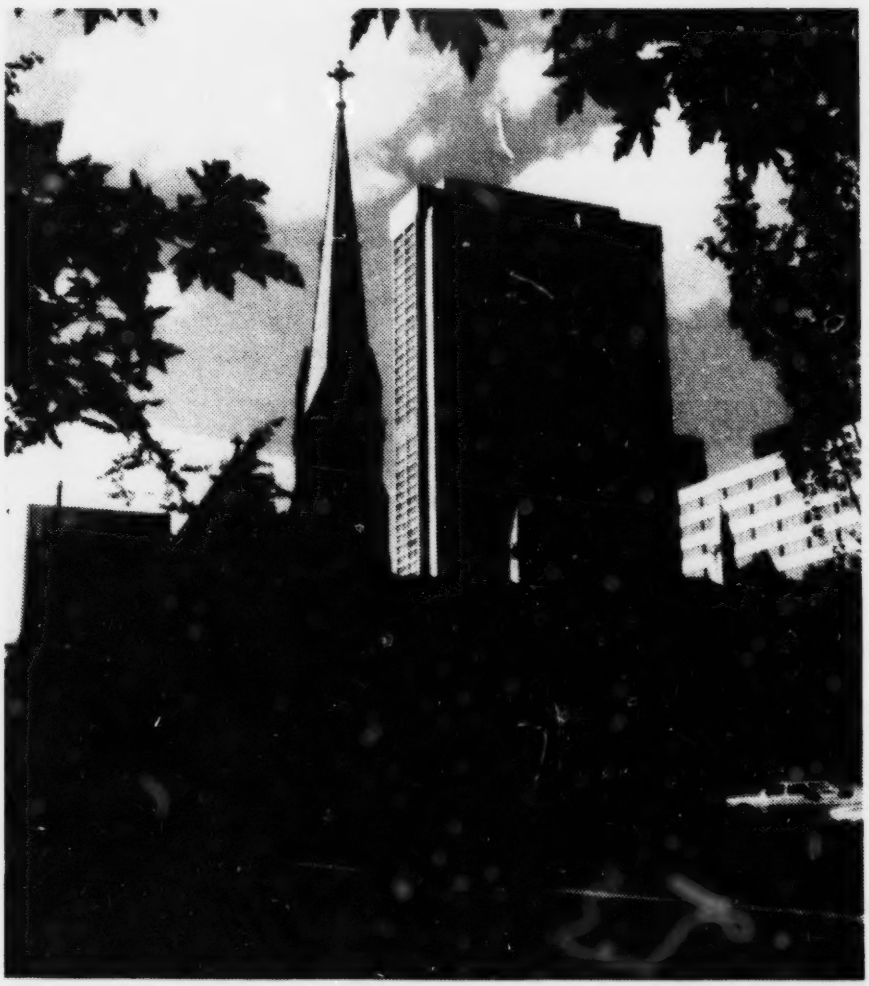
Municipalities need to be aware of the financial impact that various forms of development would have on their taxpayers.

Heritage Conservation

In the normal process of urban development and renewal, old buildings are replaced by more functional new ones or even by parking lots having a higher economic value. Without a determined, conscious effort by the community, even the most outstanding examples of earlier architecture are almost certain to disappear.

In recognition of the value of preserving links with the past in our physical environment, one form of planning concerns itself with making an inventory of existing heritage features and encouraging the preservation of at least the most important ones.

It would not be fair to expect private owners of historically valuable buildings to bear the cost of preserving them for the benefit of the community at large when the economic best use of the land might be to tear the old building down and make some other use of the property. Legislation is usually designed to merely delay destruction to give an opportunity for an alternative solution to be found. It may be possible to demonstrate that a sensitive renovation of an older building is in fact more financially rewarding to the owner than the bulldozer approach. In Ontario, the applicable legislation is the **Ontario Heritage Act**. It provides for the designation of properties of historical or architectural significance by a municipal council. No alteration or demolition may occur on designated properties, except with the council's permission. However, a refusal to grant a demolition permit is only effective for six months. After that, if agreement has not been reached to preserve the property, demolition cannot be stopped. One means of preserving designated properties is by public acquisition. Another option is for grants or loans to be made available to the owners to maintain or restore their



Along with the new we should attempt to save the old.

properties. In some cases, a heritage easement may be acquired, in exchange for the financial assistance. This gives the municipality the legal right to be involved in the future of the subject of the easement, which is typically a facade. (The dictionary defines an "easement" as "a non-profitable interest in land owned by another that entitles its holder to a specific limited use or enjoyment". A most common form of easement is a right of access to one's property over someone else's land.)

Density transfer is another device used to encourage the protection of valuable old buildings. The economic value of land is related to its location and this is usually reflected in the zoning. Historic structures are frequently in downtown locations where the market would suggest that a high density of development should be permitted. It may be possible to persuade a developer to retain the heritage structure in exchange for being allowed to use a neighbouring property more intensively: the density is transferred.

Planners often seek design solutions that allow for the retention of older buildings by integrating them into new developments.

Pollution Control

Pollution comes in many forms, affecting water, land and air. Some aspects have been mentioned previously, in connection with water supply and sewerage and in discussing noise problems associated with transportation. Something that is esthetically offensive is sometimes referred to as visual pollution, which has also been referred to earlier.

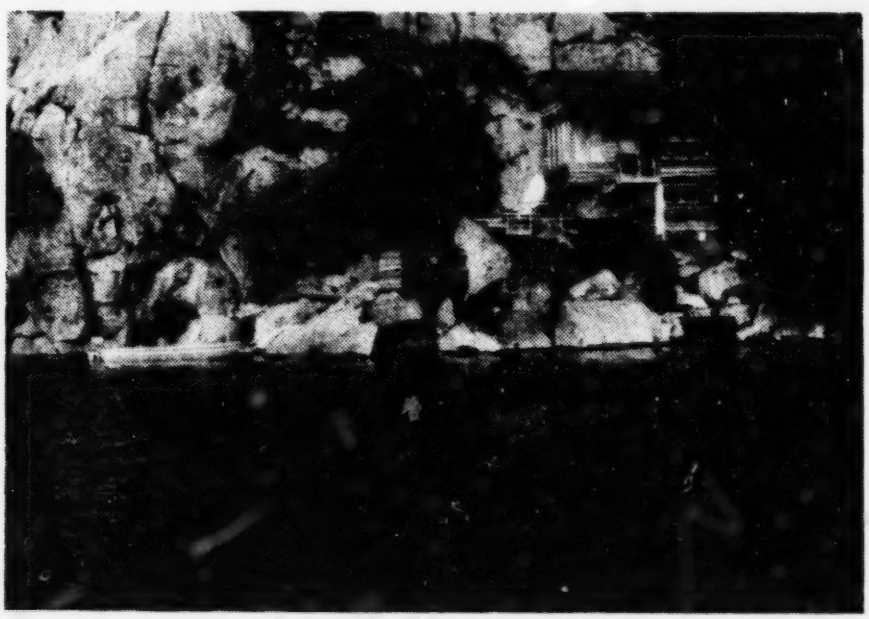
A difficulty in dealing with pollution is frequently that the source of the pollution is an activity that is vitally important to some people. Their jobs may depend on it. The sacrifice required to reduce the fouling of the water, land or air falls particularly hard on this group in order to benefit the rest of us. The solution is not merely technical but political.

The production of waste is inevitable and the cost of totally neutralizing its effect is enormous. Planning attempts to assist in keeping the cost as low as possible. For example, in order to preserve the attractive characteristics of the lakes in cottage areas, the number of cottages may have to be limited, their location on each lot may have to be controlled, their sewage systems may require careful design and use and the intensity of use of the cottages may even have to be regulated.

Another example is the **Agricultural Code of Practice**, which is designed to minimize odour and water pollution problems from the storage and use of livestock manures. Among the measures are the use of buffer zones between manure storage and nearby residences and making sure there is enough land to use the manure economically.

Even single family dwellings can cause pollution if their sewage disposal is not well planned and maintained. The effluent from a septic tank is usually filtered through a tile field but if the soil is impervious clay, this form of disposal may be quite inadequate. This is the case in the Great Clay Belt in the north and it may cause serious problems in small communities which can't afford a communal piped disposal system.

Major public projects in Ontario are normally subject to the **Environmental Assessment Act**, which requires an environmental assessment to be prepared by the proponent and submitted to the Minister of the Environment. For example, an environmental assessment must be prepared before the construction of a new provincial highway or a hydro generating station and transmission lines. Such public projects are only exempt from this process if the provincial cabinet decides to make an exception. Only public undertakings are now subject to the Act, but the provincial cabinet could decree that a specific private sector project would be subject to it in the future.



Natural systems, such as lake environments, have limits in their capacity to accommodate new development which should be respected.

Environmental Protection

The natural environment is in a state of dynamic equilibrium, the result of thousands of years of evolution. Plant and animal life is adapted to the land on which it exists. As man changes that environment for his own use he risks disturbing the delicate ecological balance. An important planning concern is an awareness of all the effects of urbanization on the natural environment, and this concern should be reflected when plans are drawn up for development.

Environmental protection may require that certain portions of an area to be developed should be kept free of buildings altogether. This could apply on a large scale, such as along stretches of the Niagara Escarpment, where the brow of the escarpment is a unique visual feature which could be spoiled forever by indiscriminate building. It could also apply to a wooded area, ravine or swamp which provides a natural habitat for wildlife. In addition to a desire to protect such areas for their positive benefits, there may also be a concern to identify them as so-called "hazard lands" which are unsuitable for development because of the possibility of settling, slipping or flooding.

In Ontario, Conservation Authorities deal with the conservation and management of land and water resources on a watershed basis. These Authorities are local-provincial partnerships with powers to build dams and reservoirs to prevent flooding and control erosion. They may also acquire lands in danger of flooding or erosion and their flood plain mapping is used to ensure that people don't build in areas subject to flooding. Two major disasters, Hurricane Hazel in 1954 in southern Ontario and the 1961 Timmins storm in the north, are the main benchmarks used to determine where restrictions may be applied on development. In other parts of the province, the 100 year storm may be used, which is the severity of the storm likely to occur once every hundred years. The Authorities' associated programs may include fish and wildlife management, forest management, heritage conservation, recreation and soil conservation.

Most environmentally sensitive areas can be used to satisfy the need for recreational open space. They may not be suitable for playgrounds and playing fields but are a natural refuge from the artificiality of urban life. All forms of open space are essential components of any urban region and, generally, the proximity of open space is valued when people seek

Some unique natural areas such as parts of the Niagara Escarpment have been preserved from development.

Public open space is an important component of urban areas.

a place to live. However, in the process of development, the importance of open space can easily be overlooked. A public park is a tax liability to a municipality. Most land uses are a source of tax revenue, since municipal taxes are related to the value of each property, but a public park brings in no taxes although it costs money to maintain.

Planning must take into consideration the very real benefits of open space, which cannot usually be expressed in dollars and cents, and produce a strong but realistic policy on open space.

The conservation of natural resources also applies to mineral resources. Sand and gravel pits and quarries are of planning concern in several ways. On the one hand, the noise and truck traffic and visual scars left in the landscape make them very unwelcome neighbours. On the other hand, the availability of construction materials is very important to the economy. The cost of transporting these materials is a significant factor. Therefore, it is important to protect sufficient deposits of sand, gravel and stone close to urban areas to satisfy the needs. That means making sure incompatible uses like housing subdivisions are kept well away, so that obstacles are not placed in the way of the use of the pits by homeowners. At the same time, the rehabilitation of the pits and quarries must be a concern, so that they are not left as dangerous and ugly places. With good planning these industrial operations can eventually take on a new life: a quarry can become a swimming pool and a worked-out pit can be transformed into a park or be used for agriculture, forestry or even for housing.

Pits and quarries can be rehabilitated into important community amenities.

Preservation of Agricultural Land

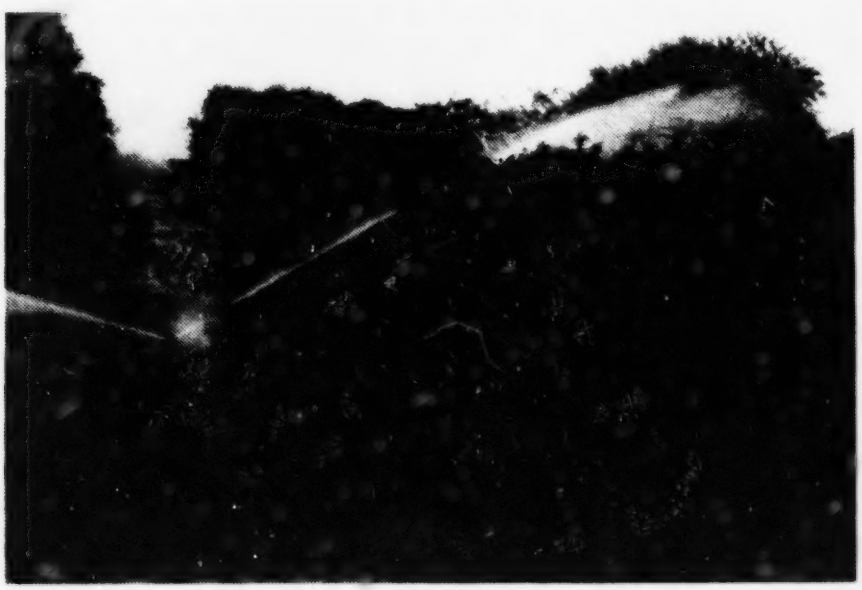
It is understandable that, as a predominantly agricultural society starts to urbanize, very little emphasis is placed on preserving agricultural areas which exist in seemingly endless abundance. With the passage of time, it becomes increasingly obvious that these natural resources are not limitless.

A planning responsibility is to document the process as it occurs and project what is likely to happen if it continues. Measures may then be considered to control the process, if necessary, and to preserve the most valuable agricultural areas.

By relying purely on the marketplace, the best fruitlands of the Niagara region would be lost to development, because the current value of the land for fruit production is less than its value for urban development. Today it is cheaper to import fruit from California than to pay a price for Ontario fruit that would ensure the preservation of these unique agricultural lands. Eventually, this may change, but land covered with houses, factories and shopping centres does not easily revert to orchards. Planning involves first assembling the facts about the loss of these lands and the long term consequences of that loss, then making those facts clear to politicians and the public and finally proposing a realistic response. The last part is particularly difficult because it may involve imposing restrictions with severe financial consequences on certain owners of land. The restrictions would benefit the people of Ontario and their descendants, but the immediate sacrifice would be imposed on a small minority. The response to this problem, as with all planning problems, is a political decision.

Some of the damage to agricultural land occurs because people want to build homes in the countryside and enjoy it. Eventually, the result is a semi-urban environment, too built up to allow continued farming and very expensive to service because it is scattered rather than compact.

One of the problems resulting from allowing houses to be built for non-farmers in the countryside is that the city folk eventually complain about some of the agricultural activities around them. Farmers must expect strong opposition from these exurbanites if, for example, they want to establish a hog farm and an intensive poultry operation anywhere near them. Planning includes taking whatever measures are needed to preserve at least the best agricultural areas from this fate. Once the land is divided into building lots, it is extremely difficult to stop



The tender fruitlands of Ontario occur in very few areas of the Province and, in almost all instances, are a threatened resource.

Many urban dwellers yearn for a home in the country but few realize the effects this type of development has on its surroundings.

development, particularly if those lots have been sold. The only practical control is to strictly limit the subdivision of the large farm lots. What can a person do with a hectare of land out in the country if he is not allowed to build a house on it? It is too small to farm. The result is very strong pressure to allow a house to be built and possibly pressure for further subdivision because the lot is too large to maintain as a single residential lot. A very large residential lot seems attractive at first but the burden of keeping all that grass or the vegetables weeded is likely to eventually cast a different light on the experience.

The basic source of information about the quality of agricultural land is the Canada Land Inventory, which divides land into seven classes according to agricultural capability. The top four classes are usually considered worth protecting for agricultural use, but the agricultural capability classification is just one of a number of factors to be considered. The size of the pocket of good land and the existing pattern of urban development may be equally significant.

The Province of Ontario has published its **Food Land Guidelines**, a document which describes in greater detail the concerns expressed here and outlines a provincial policy to deal with the problems.

One planning objective of most rural municipalities and the Province itself is the preservation of the physical land base for continued agricultural production.

Redevelopment, Renewal, Community Improvement

Planning is not a static exercise; it is not a matter of designing an ideal environment which will remain perfectly suitable indefinitely. Conditions change, age takes its toll and communities which once were very well adapted to their purpose may become increasingly inadequate in their original form.

Planning must deal with the necessary changes required to adapt an existing built environment to new circumstances. There was a time when we thought wholesale demolition was the answer to the ills of old city neighbourhoods. Worldwide experience has generally discredited that notion. The very term "urban renewal" has acquired a negative connotation because it conjures up a process in which families are uprooted and a familiar environment is destroyed.

We now have a greater awareness of the importance of the social fabric of a neighbourhood and we know better than to expect purely "bricks and mortar" solutions to succeed. Renewal now generally means building on the existing fabric, improving and revitalizing rather than destroying and rebuilding. Emphasis is placed on encouraging the maintenance of existing property.

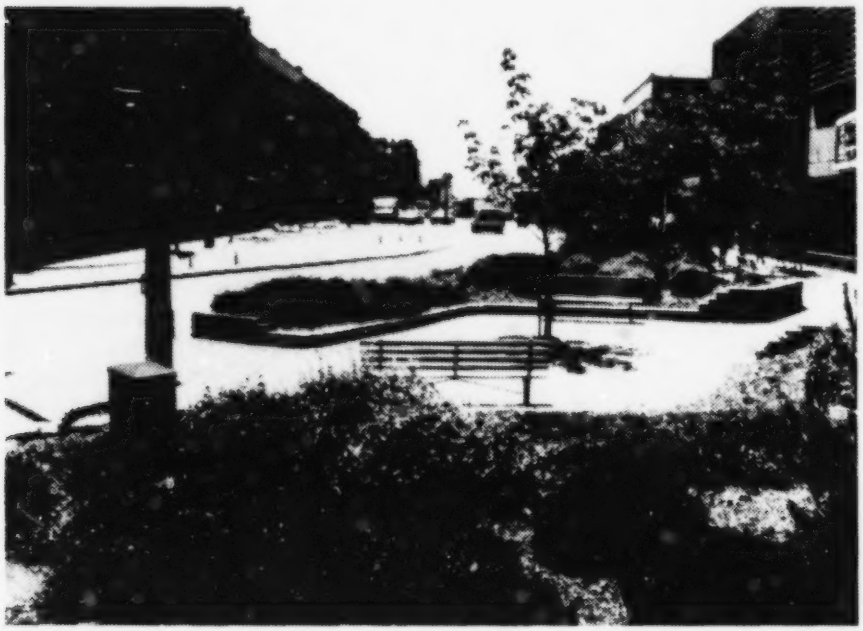
Another hard lesson learned from past experience has been the need to integrate community improvement into the overall planning for the community. Limiting renewal to an attack on blight in a particular area is likely to result in the relocation of the problems without eliminating the root causes.

With the impact of suburban shopping centres weakening and even threatening to destroy some old central business districts, community improvement also means revitalizing these older commercial areas, helping them change if necessary and adapt to new and somewhat different functions. Industrial and institutional buildings may also no longer serve their original purpose and renewal may include finding a new use for them, such as turning a railway station into a classy restaurant or an old factory into offices or artists' studios.

In recent years, interest has been growing in improving and rehabilitating older portions of our urban communities.

Here, renewal may blend with heritage conservation. A problem that is particularly common in the north of the province is the decline of one-industry towns, based on a single natural resource. Cobalt, for example, was once a much larger thriving community which owed its existence to silver mining. Current planning seeks an alternative economic base, such as tourism. Restoring old wooden buildings and possibly relocating them in one area would support that goal.

The past century in North America has been a time of great expansion. The existence of deteriorating areas was an embarrassment but the interest was focussed on the development of raw land. Those frontier days are coming to an end. Particularly in times of slow economic growth, the need is felt to watch every penny and make the best possible use of existing public services and facilities. Communities are actively encouraging the improvement of older areas and, as a result, the economics of renovation and re-use are becoming increasingly attractive for the private developer, in comparison with new construction.



Assisted by a variety of Provincial programs, municipalities have made great efforts to improve their central business districts.

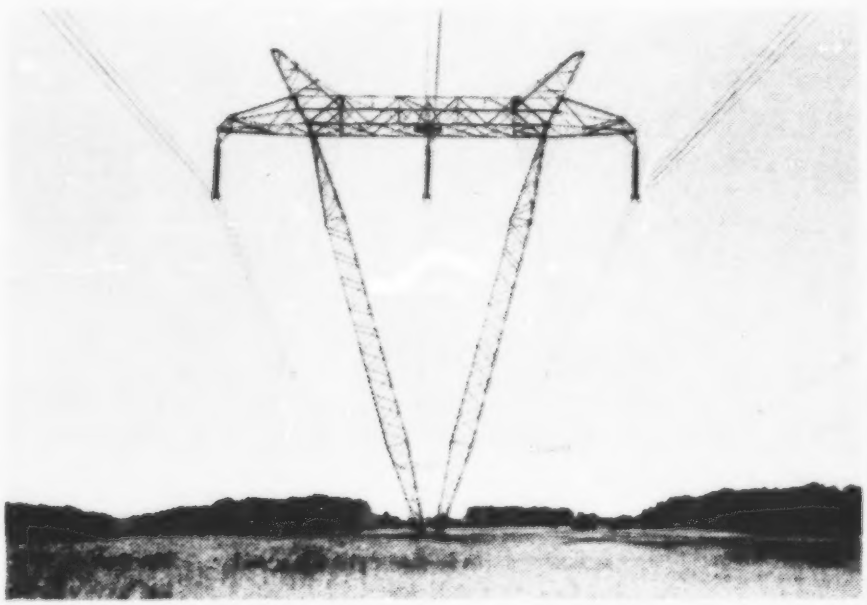
Regional Planning

Many planning issues are local issues, which can best be dealt with at a local level. However, some very major issues transcend local boundaries and are best solved by a jurisdiction covering a wide area. In some countries, strong planning powers are given to planning agencies at a regional or even national level in order to control the structure of development on a broad scale. In particular, they may be able to direct the location of industry toward certain areas and away from others. In North America, such strong public control is not customarily exercised over private development, but "carrots" in the form of incentive grants may be offered.

In Ontario, each of the largest urban areas has been joined in some form of regional government with the adjoining suburban areas and partially rural areas. The most populous of these, Metropolitan Toronto, is now almost entirely built up, but is surrounded by other regioanl government areas. Regional governments are intended to allow areas with common interests to plan co-operatively over a wide area for such services as major roads, public transit, trunk water and sewer mains and police, public health and welfare services. Each of these services is planned on a regional scale and a regional plan ensures that the plans of each special purpose department conform with each other and with the general land use plan, if there is one.

From time to time, a particular concern may require planning to occur over an area that is not a region in the usual sense, but has a single unifying feature. The Niagara escarpment is such an example. In order to protect the escarpment, the provincial government passed the **Niagara Escarpment Act**, establishing a planning area and a planning agency straddling dozens of municipalities. This type of exercise is particularly difficult because, in order to be effective, the broad agency must be given some powers which are otherwise in the hands of local municipalities. The potential for local resentment is obvious, which explains why governments are not likely to introduce such a planning agency unless they perceive the need to be very strong.

The Parkway Belt Plan is a provincial initiative of regional scope designed to stop the area between Hamilton and Toronto from becoming a continuous urban sprawl. An important feature of the Plan is the designation of transportation and utility corridors wherein facilities such as hydro lines and highways may run close to each other and avoid cutting separate swaths through communities. Together with a linked open space network, these corridors serve to separate urban communities and thereby help to maintain their separate identities.



The Parkway Belt Plan provides transportation and utility corridors.

Energy Conservation

Until quite recently, energy conservation was not even mentioned in discussions of planning considerations. It is unrealistic to expect to attach much importance to a subject if the consequences of ignoring it appear to be almost negligible. Only when the cost of energy resources is seriously felt, and when it seems likely to continue to grow relative to other factors, do we take notice. That stage has now been reached.

Insulation of buildings has already been widely recognized as a cost-effective measure, particularly at the initial construction stage. Retro-fitting, or insulating older buildings, is somewhat more expensive, but is also likely to be worthwhile as a long-term investment.

With so much energy to spare, it is not surprising that our way of life has reflected an almost total lack of concern for energy efficiency. This is reflected in the form of our urban areas, which sprawl and are built on the assumption of unlimited automobile use. Planning must now find ways to design new development and adapt older areas to a changing attitude to energy use. Employment, shopping and recreational opportunities need to be made available close to residential areas in order to reduce the need for automobile trips. Compact development must be encouraged to support public transportation. The full impact of energy shortages will not be felt immediately but development decisions should anticipate that impact because the cost of modifying existing development patterns is far greater than if future needs had been foreseen.

A third general area of planning for energy conservation involves site planning and other means of maximizing solar energy through design. By orienting buildings to capture the sun and designing them with large windows toward the south and small ones to the north, home heating costs can be reduced. Landscaping can also be used for similar purpose and in multiple housing developments, some units can be sited to protect the others from north winds.

"Solar access" is the concept of the access of a building to the light and energy of the sun's rays. The increasing use of solar energy as a power source for home heating will result in a greater awareness of the value of solar access. Property owners will be concerned about their legal right to unobstructed access. The protection of solar access will be a particularly challenging design problem if other energy considerations promote compact development, resulting in buildings close together.

Much work has been done on techniques of harnessing solar energy for domestic heating purposes.

5. The Role of the Public

Planning involves a lot of technical information, some of it complex, but the decisions are mostly value judgements and are the responsibility of elected politicians rather than technocrats. Because the decisions affect citizens literally "where they live", the process is considered one in which the public should be given a maximum of opportunity to participate.

Planning decisions affect private property and our legal system has traditionally protected property from public actions which might diminish its value. Planning legislation is designed with such safeguards. Property-owners are considered to have a particular stake in the development of their community because they cannot escape the consequences of that development, except by selling their property. The

legitimate interest of other citizens is also recognized and is likely to be increasingly recognized as renters become a larger proportion of the population. Governments at all levels exercise planning powers and legislation provides opportunities for public discussion and appeals from the various planning restrictions.

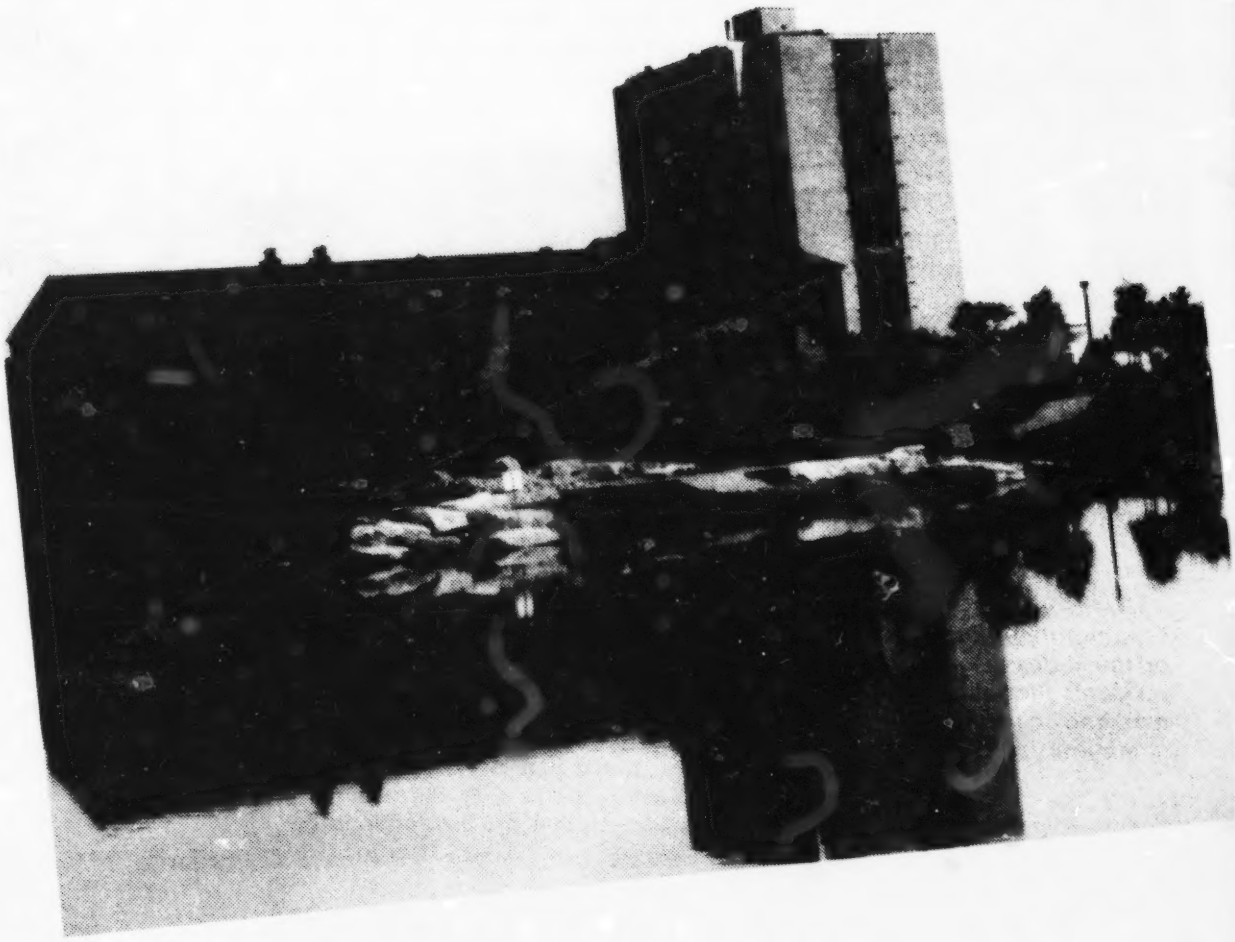
Regulations under the **Planning Act** require local authorities to notify neighbouring property owners whenever an application is made to amend the official plan or the zoning or to allow a minor variance or an extension of a non-conforming use. An opportunity is given to the applicant and any objectors to express their opinions before a decision is rendered.

The Ontario Municipal Board is an independent body, rather like a court, which has the power to overrule a local council or committee on appeal. It does not rule on matters of law, but acts as an independent arbiter of what is fair. Most of the planning approval processes under the **Planning Act** provide for an appeal to the municipal board: zoning, committee of adjustment applications, unsuccessful official plan amendment applications, consents. Where the approving authority is the Minister himself, a request may be made prior to the decision to refer the matter to the municipal board. This applies, for example, to subdivision plans, official plans and official plan amendments.

The persons affected may be large property development corporations or individual homeowners. The appeal could be by a neighbour against a decision granted, or by an applicant against a decision refused or against conditions imposed with a decision. Some board hearings last for weeks, others barely an hour. Everyone usually gets an opportunity to express his/her opinion and the board hands down a decision, sometimes immediately, sometimes after deliberation and time to document the decision in writing.

The civic health of a community depends on the degree to which its citizens are willing to get involved, and this in turn is affected by whether the citizens feel their participation has some effect. Opportunities are afforded by expressing opinions to elected representatives and backing up those opinions at the ballot box. By organizing in resident and ratepayer groups, pressures can be focussed and intensified. As a further step, citizens may seek appointment to planning advisory committees and committees of adjustment and, of course, to elected office.

6. Conclusion



It should be evident from the foregoing that community planning is a complex subject. Its parts are closely interrelated. Some of the discussion under pollution control could just as well have been included under transportation or water supply and sewage. The subject can be described from many different angles. It is the co-ordination of activities affecting the physical environment in which the community has an interest; it is a process of decision making, governed by legislation. One of the underlying themes is the compromise that is almost always involved: between the interests of the majority and the rights of individuals, between the protection of the environment and the need to promote economic activity, between providing efficient transportation and protecting neighbourhoods, etc. The professional planner's role is to provide the facts and make the implications of decisions clear. He or she is not the decision-maker. Decisions are reached through the demo-

cratic process: elected politicians will reflect what they perceive to be the wishes of the people.

The planning system in Ontario is designed to permit and encourage as much public participation in the process as possible. If the general public is apathetic, special interests are more likely to influence public decisions. This is inevitable: those with an axe to grind will be well prepared with all the facts supporting their point of view. The involvement of public-spirited citizens is essential to provide a balance and ensure that decisions reflect the broad public interest. Planning is everybody's business. Ontario will continue to be a good place to be if enough of its citizens get involved. The subject is fascinating. Obviously, we have only been able to touch the surface in these few pages. If your interest has been aroused, you may want to get into the subject a little deeper. The bibliography may help you take that step.

Community planning is based on the philosophy that local residents should have a voice in deciding on the kind of community they live in.

Glossary

Agreement

See site plan agreement, subdivision agreement.

Airport zoning

The federal government has the power to impose height restrictions around airports in order to protect them for aeronautics. The restrictions take the form of a Registered Zoning Order, not to be confused with a zoning by-law of the municipality or a provincial Minister's Zoning Order.

Bonus zoning

This describes the process whereby a municipality agrees to permit a more intensive use of a property, in exchange for the provision of public facilities or services or for meeting a public objective, such as preserving a historic building. In Ontario, "more intensive use" is limited to increased density or height.

Building by-law

Each municipality used to have its own by-law to regulate the strength and safety of buildings and structures. However, an Ontario Building Code was introduced in 1975, with standards applicable throughout the province. The old building by-laws only apply to existing buildings, not to new construction.

Business improvement area

A retail commercial area designated for improvement, beautification and maintenance of municipally owned lands, buildings and structures. Funds are raised by a levy on all businesses within the area.

Certificate of occupancy

When there is a zoning by-law in effect, the by-law may say that no change in use may occur unless a certificate of occupancy has been obtained. This gives the municipality an opportunity to know what changes are occurring and to refuse a certificate if the proposed use is prohibited by the zoning. Few municipalities provide for this process.

Cluster housing

Housing that is clustered on one part of a lot, leaving areas of common open space.

Committee of adjustment

In order to relieve the municipal council from dealing with relatively insignificant matters, an appointed committee of adjustment may grant minor variances from the zoning by-law and possibly from certain other planning by-laws. Upon receiving an application, the committee must notify people in the vicinity and hold a hearing before making a decision.

In some circumstances, a committee of adjustment may be given authority to grant consents for land severances, just like a land division committee.

Community improvement

This term refers to all activities, both public and private, which maintain, rehabilitate and redevelop an area. These activities were called urban renewal at a time when the standard solution was to raze blighted areas and replace them completely. The current term reflects an emphasis on fixing up and improving in contrast with the bulldozer approach of an earlier period.

Condominium

A form of property ownership in which a number of people each own their own unit but not the land on which the unit is located. The land and any common facilities and utilities are jointly owned by all the unit owners.

Consent

Otherwise known as a "land severance". In order to create a new parcel of land by separating a piece from a larger parcel, permission must be obtained from some level of government. (It could be a local, county or regional council or a committee of adjustment or land division committee or it could be the Minister of Municipal Affairs.) If the intention is to create several new lots, then a plan of subdivision should be prepared, rather than proceeding by a series of consents.

Conservation

There are several kinds of conservation. The term is commonly applied to natural resources, energy, housing stock and historical buildings.

Conservation authority

An appointed body established to manage natural resources other than gas, oil or minerals within a watershed. The primary purpose is for flood control but conservation authorities also develop land for open air recreation.

Conservation review board

This provincial board holds hearings under the **Ontario Heritage Act** and makes recommendations to municipal councils and other interested parties on matters related to heritage designation.

Covenant

When dealing with property, a covenant is a legal condition or restriction, usually to the effect that all or part of the land may not be used in a certain way or may not be built upon.

Delegation

The **Planning Act** gives certain powers to the Minister of Municipal Affairs but provides for those powers to be transferred to a municipal council. Mostly, the recipients of delegated powers are regional councils, who have access to considerable planning expertise. All the regions have the authority to approve plans of subdivision and, in 1985, two of them may approve local official plans.

The power to grant consents for land severances is given directly to counties, regions and some towns and cities outside counties. The upper-tier counties and regions may delegate their consent-granting authority to a local municipal council and each local council may further delegate the authority to a committee of adjustment, a committee of council or an appointed official.

In northern Ontario, the consent granting authority may be delegated by the Minister to a city, a land division committee or a planning board.

Demolition control

The **Planning Act** allows a municipal council to prohibit the demolition of residential property unless a new building permit has been obtained and a new building is constructed within a specified time. This serves to discourage speculators from tearing down old houses prematurely. However, neither the demolition permit nor the building permit may be refused if the application conforms to all by-laws.

Development control

Whereas under zoning the restrictions on development are described exactly, allowing the developer to know precisely what is permitted, under development control only the general principles are pre-determined. Each application is reviewed for conformity to the general principles and the specific restrictions are only applied upon approval.

Enterprise zone

A depressed area designated for regulatory relief and tax incentives. The concept was popularized in Britain and was introduced in the United States in the early nineteen eighties. It has not been used in Ontario.

Environmental assessment

A process which includes the identification, interpretation and evaluation of the effects of an action and its alternatives on the environment. Major undertakings such as new provincial highways, electrical generating plants and transmission lines require an environmental assessment before they are allowed to proceed.

Expropriation

Some public agencies are given the power to acquire land by compulsory purchase for specific purposes. If agreement is not reached with the owner on the price, the matter may be referred to the Ontario Municipal Board.

Freezing by-law

See Interim Control.

Garden City

As proposed by Ebenezer Howard in his 1902 classic "Garden Cities of Tomorrow", a garden city is a new town with three principal characteristics: public ownership or control of all land in order to determine land use and prevent speculation; a careful design of the whole city, including its optimum size, to make it economically and socially balanced; and a belt of permanent farmland surrounding the city.

Green belt

An area surrounding an urban area, to prevent the indiscriminate spread of urban development. Canada's best known example is around Ottawa. The Parkway Belt, between Hamilton and Toronto has some characteristics of a green belt.

Hazard land

Land subject to a hazard such as erosion or flooding or having unstable slopes or soils; a mine.

Heritage easement

A heritage easement is an agreement which conveys to its holder the legal right to be involved in decisions concerning the future of a property. Typically, it is used by the Ontario Heritage Foundation or a municipality to preserve a facade of architectural significance.

Holding by-law

A type of zoning by-law where the zoning for future use is preceded by the prefix H. Until the H is removed by an amendment to the by-law, no development is permitted. This gives the municipality control over the timing of development, while the developer and the neighbours have the assurance of knowing future zoning.

Home occupation

A commercial use in a dwelling, usually a relatively inconspicuous use which is acceptable in the specific residential environment.

Interim control by-law

In order to gain time to undertake a study of a problem, a municipality may introduce a by-law which allows no new development in an area. The maximum time such a by-law may remain is two years. It is still possible for individual applications to be processed through amendments to the freezing by-law while it is in effect.

Land Division Committee

In the more populated parts of Ontario, the authority to grant land severances or consents is given to county and regional councils and to some city councils. However, these councils may in turn delegate their authority to, for example, a land division committee of the county or region. In a territorial district, the Minister may appoint a land division committee.

Land severance

See consent.

Legal non-conforming use

A use that exists legally before a zoning by-law was introduced remains legal, no matter what the by-law says. However, it could not expand without authorization from a committee of adjustment.

Levies, lot levies, imposts

In order to defray certain costs introduced by development, municipalities frequently impose a cash levy of impost to be paid by the developer for each lot or unit created. However, such levies may only legally be imposed to cover costs which can be identified and linked specifically to the development.

Local Architectural Conservation Advisory Committee (LACAC)

This committee acts as an advisory body to the municipal council. Its prime responsibility is to recommend to council heritage properties deserving the designation under Part IV of the **Ontario Heritage Act**.

Maintenance and occupancy standards

A council may pass a by-law prescribing standards of maintenance and occupancy, and may appoint a property standards committee to hear appeals from people who have been served an order to fix up their property.

Minister's zoning order

The Minister of Municipal Affairs has the authority to introduce zoning restrictions anywhere in the province. A Minister's Zoning Order is most often imposed in unorganized territory, where there is no municipal council to impose zoning controls. Occasionally, in extreme or special circumstances, an order may be imposed in an organized municipality.

Minor variance

Zoning by-laws are intended to provide control over development but this does not mean that the specific restrictions of a by-law should be considered as if cast in stone. A minor variance, a small variation from a specific by-law provision may be quite acceptable, but must be sanctioned by a committee of adjustment. If the requested variance is judged to be major, an application to amend the by-law would be required.

Non-conforming use

See legal non-conforming use.

Nuisance

The law of nuisance has been with us much longer than zoning. It is part of our common law which allows us to go to court to restrain a neighbour or a corporation from creating a nuisance. Problems with noise, smells and vibration are probably the most common. The existence of zoning causes us to have recourse to the law of nuisance less often, since incompatible uses tend to be separated.

Official plan

A document in which a municipality describes how it expects to develop. By itself, the official plan only binds the municipality. No zoning by-laws or public works may be introduced in conflict with the official plan. However, there may still be old by-laws around which don't conform with a more recent official plan.

Official plan amendment

The **Planning Act** provides for amendments to be made to the official plan, after a process including public participation, identical to the process for the adoption of the official plan.

Ontario municipal board

The municipal board is an administrative tribunal. Its members travel around the province and hold hearings in local communities on various sorts of appeals, mainly on planning matters.

Park land dedication

When developing a plan of subdivision, a developer may be required to give the municipality up to 5 per cent of the land for park purposes. If the development is commercial or industrial, only 2 per cent may be taken. If the municipality already has enough park in the vicinity of the subdivision, it may accept "cash-in-lieu" (cash instead) to put in a park acquisition fund.

Part-lot control

It is normally prohibited to sell part of a lot shown on a registered plan of subdivision. However, a municipal council may remove part-lot control from specifically designated plans of subdivision, with the Minister's approval.

Performance zoning

Instead of simply listing prohibited uses, in performance zoning various technical, environmental or esthetic standards are stated which must be met before a use is permitted.

Plan of subdivision

In order to develop land in lots it is necessary to obtain the approval of a plan of subdivision, which is then registered in a Registry Office or Land Titles Office. The plan must provide for roads, parks, school sites, etc., if appropriate and must conform to the official plan of the municipality, if there is one.

Planning area, planning board

These used to exist throughout the province, but are now only found in the territorial districts of the north. A planning board is a corporate body with powers defined in legislation. Typically, a planning area covers more than one municipality and the board prepares an official plan and gives planning advice.

Planning advisory committees

A municipal council may appoint a planning advisory committee. Two or more councils may appoint a joint planning advisory committee. Such a committee is purely advisory and has no statutory authority.

Policy statement

See provincial interest.

Preservation

See conservation.

Property standards

See Maintenance and Occupancy Standards.

Provincial interest

Matters of provincial interest are described in the **Planning Act** in broad terms. When the Minister of Municipal Affairs intervenes in a planning issue, he refers to the planning interest affected to justify the intervention. If the Minister declares a provincial interest in a matter before the municipal board, the final decision is left to the provincial Cabinet. An explanation of how the provincial government intends to protect a provincial interest may be found in the policy statements issued by the Minister of Municipal Affairs and Housing, either alone or jointly with other ministers whose responsibilities are affected.

Quieting order

If there is doubt about the legal status of a municipality or its boundaries, the municipal board may issue a quieting order to quiet these doubts.

Redevelopment

See community improvement.

Secondary plan

In order to go into more detail than in the generalized official plan, a municipality may prepare a secondary plan which may cover only a portion of the area covered by the official plan, or it may deal with a particular subject matter. A secondary plan typically deals with a single community or district and is adopted by amendment as part of the official plan.

Site plan control, site plan agreement

A municipal council may designate an area where no development may occur unless the council has approved a site plan. Before an area is designated, there must be an official plan in effect with policies on site plan control. In approving a site plan, the council may require the owner of the land to enter into an agreement binding him to provide facilities or do certain work on the site. For instance, the agreement may deal with grading and landscaping of the lot, with the surfacing of parking areas, the widening of abutting roads, the provision of garbage storage facilities, the granting of easements for utilities, etc.

Spot zoning

The zoning of a relatively small parcel of land with different restrictions or for a different use than in a larger surrounding zone.

Subdivision agreement

Before approving a plan of subdivision, the approving authority usually requires the applicant to enter into a subdivision agreement. A typical agreement deals with the installation of engineering services and their maintenance during construction, with the grading and landscaping of the lots, with lands to be conveyed for municipal purposes and with financial considerations.

Timesharing

Also known as interval ownership, timesharing is an extension of the condominium concept by the addition of a time slice as a further dimension. Purchasers acquire rights to a property for a specific time period, such as one or two weeks, each year.

Urban renewal

See community improvement.

Zero lot line

A concept whereby detached houses are located with one outside wall on the property line. Instead of two narrow yards as in the conventional siting of homes, a single wider yard is created on each lot, more useable than the conventional yards.

Zoning by-law

A municipal by-law to control the use of land and buildings and to regulate the height, bulk, location, size, floor area, spacing, character and use of buildings or structures. Typically, a zoning by-law will define different zones on a map, each with its own list of permitted uses and minimum lot sizes, frontages and yard or set-back dimensions, maximum building height, minimum number of parking spaces, etc.

A zoning by-law is not concerned with the strength and safety of construction, which is governed by the Building Code.

Zoning order

See Minister's Order.

Recommended Reading

General

URBAN LAND USE PLANNING, second edition, Chapin, F. Stuart, University of Illinois Press, 1965

A basic text, including theory, a discussion of necessary background studies and the preparation of a plan.

A GUIDE TO THE PLANNING ACT
Ministry of Municipal Affairs and Housing, 1983.

This document explains the Planning Act in simple language. It covers some of the same ground as "An Introduction to Community Planning", but deals more specifically with every clause in the Act.

PLANNING AS A CAREER

An information pamphlet for students, published by the Canadian Institute of Planners.

Subdivision of Land

LAND SEVERANCE PLANNING GUIDELINES FOR LAND DIVISION COMMITTEES AND COMMITTEES OF ADJUSTMENT
Ontario Ministry of Municipal Affairs and Housing, 1981

This 15 page pamphlet discusses the issues that should be considered when dealing with applications for the creation of individual lots. $2.

A GUIDE TO RESIDENTIAL PLANNING AND DESIGN IN SMALL COMMUNITIES
Ontario Ministry of Municipal Affairs and Housing, March 1980

A primer on the physical layout and design of residential subdivisions, starting with a brief discussion of community planning principles $2.

RESIDENTIAL SITE DESIGN ALTERNATIVES IN SMALL COMMUNITIES
Ontario Ministry of Municipal Affairs and Housing, September 1981

A supplement to "A Guide to Residential Planning and Design in Small Communities". The report looks at four alternative designs for a low-density subdivision. It illustrates principles and should be useful to anyone involved in the design, review or approval of subdivisions in small communities.

URBAN DEVELOPMENT STANDARDS
Ontario Ministry of Municipal Affairs and Housing, 1976, reprinted in 1980

This study examines how development costs of new residential subdivisions can be lowered. It represents a reaction to the tendency of municipalities to impose ever higher minimum standards which eventually are found to unnecessarily raise the cost of housing. As always, planning involves a choice. This study shows how the balance can be redressed toward a more cost-conscious design, without sacrificing anything essential.

Legal Aspects

A PLANNER'S REFERENCE TO LEGISLATION, PROVINCIAL POLICIES AND GUIDELINES
Ontario Ministry of Municipal Affairs

An alphabetical listing of topics a planner may be involved in, with reference to the specific clause of the relevant provincial or federal act, together with a brief explanatory note.

ENVIRONMENT ON TRIAL, A Handbook of Ontario Environmental Law
Canadian Environmental Law Research Foundation, 1978, Edited by David Estrin, Mary-Anne Carswell and John Swaiger, Distributed by The MacMillan Company of Canada Limited. $6.95

The accent is on environmental issues, but this book covers a wide range of the planning topics mentioned in this layman's guide, only generally in more detail. It is a particularly useful book for anyone proposing to fight an environmental or land use planning issue, because it gives the legal basis for various controls.

ENERGY EFFICIENCY IN MUNICIPALITIES: THE LAW
See Energy Conservation

Non-Conforming Uses and Minor Variances

GUIDELINE 11: Committees of Adjustment, Minor Variances and Non-Conforming Uses. July, 1984
Ontario Ministry of Municipal Affairs and Housing

This is one of a series of guidelines on planning issues and to assist in understanding and applying certain parts of the Planning Act.

Site Planning

SITE PLANNING, Second Edition, 1971, Lynch, Kevin
The M.I.T. Press

This is one of the basic reference books. An introduction to the art of site planning, an exposition of its principles and a condensed technical reference.

URBAN PLANNING AND DESIGN CRITERIA, Second Edition, 1975, De Chiara, Joseph and Kappelman, Lee Van Nostrand
Reinhold Limited

A basic illustrated reference source for physical design criteria for just about anything a planner is likely to be professionally involved in.

Financial Considerations

FINANCIAL IMPACT ANALYSIS· A HANDBOOK FOR MUNICIPAL PLANNERS
Ontario Ministry of Municipal Affairs and Housing, 1985

A guide to help planners evaluate the benefits and costs of planning policies and of various types of new development.

Heritage Conservation

WHAT IS HERITAGE DESIGNATION?
Ontario Ministry of Culture and Recreation, 1979
(Now the Ontario Ministry of Citizenship and Culture)

This small brochure is a guide to Part IV of the Ontario Heritage Act. $0.35

HERITAGE CONSERVATION DISTRICTS AND THE ONTARIO HERITAGE ACT
Ontario Ministry of Citizenship and Culture

This small brochure concerns itself with Part V of the Ontario Heritage Act. $0.35

Preservation of Agricultural Land

FOOD LAND GUIDELINES: A POLICY STATEMENT OF THE GOVERNMENT OF ONTARIO ON PLANNING FOR AGRICULTURE
Ontario Ministry of Agriculture and Food, 1978

More than just a formal policy statement, this little document gives useful information on how to go about identifying agricultural resource lands, determining the highest priority areas and preserving them through various planning measures. A description of the Canada Land Inventory Soil Capability classification for agriculture is given in the appendix, together with a source reference for maps and other essential information.

PLANNING FOR AGRICULTURE IN SOUTHERN ONTARIO
Prepared for the ARDA Directorate of Ontario by the Centre of Resources Development, University of Guelph, 1972

This report is the work of a team of agricultural economists, geographers and soil scientists who were asked to study the industry, project changes and suggest guidelines for policy.

Energy Conservation

PLANNING LAND TO CONSERVE ENERGY
R. Lang and A. Armour, Environment Canada, Lands Directorate, Land Use in Canada Series, 1982

Forty case studies from Canada and the United States, providing information which can assist planners make the case for new energy measures to local decision-makers and the public and to evaluate the effectiveness of actions taken. No charge.

SAVING ENERGY BY WAY OF SITE DESIGN
Ontario Ministry of Municipal Affairs and Housing, April 1981

Well illustrated with clear diagrams and drawings, this attractive little booklet contains the highlights of a residential site design and energy conservation study. The application of energy-saving techniques is demonstrated in a specific suburban subdivision in Guelph. $5

ENERGY EFFICIENCY IN MUNICIPALITIES: THE LAW
Ontario Ministry of Energy, June, 1980

Discussion paper and catalogue of existing municipal legal powers available to promote energy conservation and renewable/recoverable energy use, together with illustrations of their possible uses. Designed primarily for municipal councillors and staff, but also available for citizen groups. No charge.

ENERGY AND LAND USE
Center for Urban Policy Research, Rutgers, 1982
Edited by Robert Burchell and David Listokin

A series of articles by various contributors on all facets of the subject.

Community Renewal

COMMUNITY RESOURCES KIT: PRIDE
Ontario Ministry of Municipal Affairs and Housing, 1983

This kit contains information on provincial programs with regard to community improvement. No charge.

Water Management

WATER IMPROVEMENT — GOALS, POLICIES, OBJECTIVES AND IMPLEMENTATION PROCEDURES OF THE MINISTRY OF THE ENVIRONMENT
Ontario Ministry of Environment, November 1978

This booklet deals with the management of the quality and quantity of both surface and ground water resources.

Regional Planning

REGIONAL PLANNING IN CANADA: A PLANNER'S TESTAMENT
Gertler, L.O., 1972

A discussion of regional theory and practice in Canada with reference to policies at the provincial and federal level and to regional cities.

Acknowledgements

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"Well, there goes the neighbourhood" from Vol 39, No. 11, December 1973 issue of **Planning** magazine, copyright 1973 by the American Society of Planning Officials (now the American Planning Association), 1313 E. 60th St., Chicago, IL 60637

"I said . . . . we were one of the lucky ones . . . . not expropriated for airport expansion", Len Norris in the Vancouver Sun, February 1, 1973.

Most Recent Publications Available from the Research and Special Projects Branch

Computers as a Planning Tool
August 1985

A Planner's Reference to Legislation, Provincial Policies and Guidelines,
Updated June 1985

Planning and Design for Commercial Area Improvements
March 1985

Towards Community Planning for An Aging Society
Reprinted 1985

Downtown Management: The State of the Art in Ontario
February 1985
(complement to the following report)

Towards Excellence in Downtown Management
December 1983

Land Use Planning for Energy Conservation
October 1984

The Re-use of Public Buildings
September 1984

Guidelines for Recreational Vehicle Campgrounds
September 1984

Handbook for Energy Efficient Subdivision Planning: Book 3 Design Implications
September 1984

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